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JOINT APPENDIX  
IN THE  
**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA

---

**No. 12,797**

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JOHN T. WATKINS, *Appellant*,

*v.*

UNITED STATES OF AMERICA, *Appellee*

---

**APPEAL FROM THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF COLUMBIA**

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349 UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF COLUMBIA

Criminal No. 1153-54

UNITED STATES OF AMERICA

*v.*

JOHN T. WATKINS

Filed June 13, 1955—Harry M. Hull, Clerk

NOTICE OF APPEAL

Name and address of appellant: John T. Watkins, 1224 44th  
Avenue, Rock Island, Illinois.

Name and address of appellant's attorney: Joseph L. Rauh,  
Jr., 1631 K Street, N. W., Washington 6, D. C.

Offense: Refusal to answer questions before Committee on  
Un-American Activities of House of Representatives in vio-

lation of 2 U.S.C. 192. Concise statement of judgment or order, giving date, and any sentence. Convicted May 27, 1955. Sentenced June 10, 1955 to pay a fine of \$500 and imprisonment for one year, the sentence with respect to imprisonment being suspended and defendant placed on probation.

Name of institution where now confined, if not on bail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above-stated judgment.

JUNE 13, 1955

JOHN T. WATKINS,

*Appellant.*

JOSEPH L. RAUH,

*Attorney for Appellant.*

#### INDICTMENT

290 The Grand Jury charges :

#### INTRODUCTION

On April 29, 1954, in the District of Columbia, a subcommittee of the Committee on Un-American Activities of the House of Representatives was conducting hearings, pursuant to Public Law 601, Section 121, 79th Congress, 2d Session, (60 Stat. 828), and to H. Res. 5, 83d Congress.

Defendant, John T. Watkins, appeared as a witness before that subcommittee, at the place and on the date above stated, and was asked questions which were pertinent to the question then under inquiry. Then and there the defendant unlawfully refused to answer those pertinent questions. The allegations of this introduction are adopted and incorporated into the counts of this indictment which follow, each of which counts will in addition merely describe the question which was asked of the defendant and which he refused to answer.

#### *Count One*

Do you know Harold Fisher to be a member of the Communist Party?

#### *Count Two*

Did you know Charles Hobbe to be a member of the Communist Party?

*Count Three*

Did you know Henry Mack to be a member of the Communist Party?

291 *Count Four*

Do you know Ernest DeMaio to be a member of the Communist Party?

*Count Five*

Do you know him [Ernest DeMaio] to have ever been a member of the Communist Party?

*Count Six*

Did you know Charles Killinger to be a member of the Communist Party?

*Count Seven*

Mr. Watkins, I am going to read a list of names to you. I will read it slowly—and I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party: Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo. Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber; Frank Rogers; Arthur Saunders; Seymour Siporin; Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson. Do you know any of those names I just read to you to have been members of the Communist Party?

LEO A. ROVER,  
*United States Attorney in and for  
the District of Columbia.*

A True Bill:  
WILSON T. M. BEALE,  
*Foreman.*

295 Filed December 8, 1954—Harry M. Hull, Clerk

PLEA OF DEFENDANT

On this 8th day of December, 1954, the defendant, John T. Watkins, by his attorney, Sidney Sachs, Esquire, being arraigned in open Court upon the indictment, the substance of the charge being stated, pleads not guilty thereto.

Defendant is granted until January 10, 1955 to file motions.

296 Filed Jan. 10, 1955

*Motion to Dismiss the Indictment or  
for Preliminary Hearing*

The defendant moves that the indictment be dismissed on the following grounds:

1. The indictment is void and illegal in that there were less than 12 members of the Grand Jury who concurred in finding the indictment who were free from prejudice or bias against this defendant, by reason of the facts stated in the affidavit of Joseph L. Rauh, Jr. attached hereto and made a part hereof.

2. The offenses with which defendant is charged are in fact a single offense. The indictment is invalid, therefore, in that it charges the defendant with many offenses, whereas if guilty he has committed only one offense.

In the alternative, the defendant should be granted a hearing at which he can determine which grand jurors concurred in finding the indictment and offer proof by examination of the grand jurors and otherwise that bias or prejudice existed on the part of the requisite number of the grand jurors.

JOSEPH L. RAUH, JR.,  
1631 "K" Street.

Filed Jan. 10, 1955

*Affidavit*

JOSEPH L. RAUH, JR., being duly sworn, deposes and says that:

1. I am one of the attorneys for the defendant named in the above bill of indictment.

2. This affidavit is made in support of the Motion to Dismiss the indictment on the ground that it is void and illegal in that the grand jury which voted the indictment was illegally constituted as to this defendant.

3. On information and belief, more than 11 members of the grand jury which voted this indictment are biased and prejudiced against the defendant and unable to exercise an independent judgment, by reason of the fact that they, or close associates, including relatives, were employed by or were seeking employment with the United States or the District of Columbia Government.

4. I have been informed that the grand jury records in this Court show that 11 of the 23 members of the grand jury which voted the indictment against this defendant were employed by the Government of the United States, that the Foreman was employed by the Department of State, that the Deputy Foreman by the Department of the Navy, and that two of the grand jurors were employed by the District of Columbia Government.

299 5. It is my belief that close associates, considering the number of government employees in this jurisdiction, including relatives, of additional grand jurors were employed by the United States or the District of Columbia Government. Corroboration of this belief can be obtained as a practical matter only from examination of the grand jurors at a hearing or from examination of records not presently available to the affiant.

6. I have been informed that the grand jury records in this Court show that two of the members of the grand jury are listed as unemployed. It is my belief that these grand jurors and close associates, including relatives, of additional grand jurors have been seeking employment with the United States or District of Columbia Government. Corrob-

oration of this belief can be obtained as a practical matter only from examination of the grand jurors at a hearing or from examination of records not presently available to the affiant.

7. The alleged contempt occurred before the House Committee on Un-American Activities. Said Committee was committed by Congress to investigate "the diffusion within the United States of subversive and un-American propaganda that . . . attacks the principle of the form of government as guaranteed by our Constitution." The official, public transcript of defendant's testimony before the Committee establishes that the Committee considered him to be or to have been a Communist. The transcript also establishes that the questions on which the indictment is based relate to defendant's alleged association with purported Communists and members of the Communist Party. All of the above information was available to the grand jury and it is reasonable to believe that the grand jury was informed of it.

8. Communism, membership in the Communist Party, or association with the members of the Communist Party, present and past, has come within the past seven or eight years to have discreditable connotations, and to subject persons accused of such associations to disrepute, to economic 300 losses, and to possible criminal or administrative action. Congress, in the Communist Control Act of 1954, Public Law 637, 83rd Cong., 2nd Sess., 23 U. S. Law Week 57, declared the Communist Party to be illegal.

9. The grand jurors who voted this indictment were asked to consider the indictment of one who allegedly had been a Communist and who refused to answer questions about persons who were purported to be Communists and members of the Communist Party. To the grand jury, therefore, this would appear to be a case inherently touching the security of the Government. Each one of the grand jurors employed by the United States or the District of Columbia Government, or seeking said employment, or having close associates, including relatives, so employed or seeking said employment, could not consider the facts presented to them with disinterested, free and open minds, absent of bias and prejudice, as required by law.

10. All persons—and this would include grand jurors and



their close associates, including relatives—who are employed by or seeking employment with the United States are subject to investigation and proceedings under Executive Order No. 10450, entitled “Security Requirements for Government Employment,” and referred to as the Eisenhower Security program. The Federal Bureau of Investigation is required to investigate all cases arising under the order which involve any questions of Communist associations. Executive Order No. 10450 provides that the employment of any civilian employee must be “clearly consistent with the interests of the national security” and grants to the heads of departments and agencies, the final determination, subject to no appeal, of whether this standard is met. One of the factors to be considered in an investigation under the Order is “Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.” Other factors not enumerated in the Order may be and are considered in making a security determination under the Order. Views, statements, and actions in cases such as this are considered pertinent in proceedings under the Order.

11. Executive Order No. 10450 has been in effect since May, 1953. Those grand jurors or their close associates, including relatives, who were employed or sought employment with the United States prior to May, 1953 were subject to Executive Order No. 9835, known as the Truman Loyalty program, which, although different in its procedures, was substantially of similar scope.

12. On information and belief, each one of said grand jurors, or their close associates, including relatives, who have been employed by or are seeking employment with the District of Columbia Government have been subject to security investigation and procedures which in all essentials are like those applicable to employees of the United States. These procedures are not embodied in any document or order to which I can refer the court.

13. The total effect of the more than 7 years of operation of these successive loyalty and security programs has been to instill in government employees and employees of the District of Columbia and their close associates, including relatives, and in those desiring employment with either of said Governments, a fear of creating the appearance of sym-

pathetic association with any person or organization or action which might be considered left-wing or Communist. This fear in a grand juror is so strong, so personal and so intense that it would prevent him from casting his vote impartially, as required by his Oath and by law, and amounts to an actual bias against any person accused of some act which might impede the hunt for supposed Communists.\*

14. If the court will grant defendant a hearing pursuant to Rule 12(b)(4) of Federal Rules of Criminal Procedure, we expect to prove by examination of the grand jurors and otherwise that the grand jurors employed by the United States or the District of Columbia Government or seeking such employment have known or heard:

(1) About relatives, friends or fellow workers who were kept under surveillance, investigated, suspended or dismissed under the loyalty and security programs;

(2) That many such persons were investigated, suspended or dismissed by reason of associations or actions which occurred in the distant past, or which were of short duration, or were infrequent or purely casual;

(3) That many such persons were investigated or suspended or dismissed by reason of actions or associations, not of their own, but of close associates, including relatives;

(4) That many such persons were investigated, suspended or dismissed by reason of actions or associations which bore little real relation to security.

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\* That fear generated by the loyalty and security program has been increased and accelerated by the enactment into law of such laws as the Internal Security Act of 1950, 64 Stat. 987, 50 U. S. C. 781, the McCarran-Walter Immigration Act, 66 Stat. 181, 8 U. S. C. 1181, the Communist Control Act of 1954, Public Law 637, 83d Cong., 2d Sess., 23 U. S. Law Week 47, the Compulsory Testimony Act, Public Law 600, 83d Cong., 2d Sess., 23 U. S. Law Week 59, the Bail Jumping Act, Public Law 603, 83d Cong., 2d Sess., 23 U. S. Law Week 60, and the Harboring of Criminal Act, Public Law 602, 83d Cong., 2d Sess., 23 U. S. Law Week 60.

303 15. We will further prove:

(1) That the net effect of these facts, known to the grand jurors, has been to create a climate of opinion, fear and intimidation among government employees and those seeking government employment that they would jeopardize their tenure or their job opportunities or provoke investigation by reason of any opinion or action or association which could be considered as evidencing the slightest sympathy with, or lack of hatred for, Communism or any other left-wing ism, including a vote against an indictment for refusal to answer questions concerning persons alleged to be members of the Communist Party;

(2) That these fears have been affirmed and strengthened by the almost daily press reports of the harsh and unjust operation of the loyalty and security programs;

(3) That this climate of opinion, fear and intimidation has affected personally those grand jurors employed by the United States or District of Columbia Government, or seeking said employment, or having close associates, including relatives, so employed or seeking such employment, so as to prevent their exercise of free will in voting on this case.

16. Affiant has personal knowledge that, during formal hearings under Executive Order 10450, persons under investigation have been asked their opinions of cases, such as the Alger Hiss, Remington, Coplon and Rosenberg cases, involving alleged Communist associations. If the  
304 mere opinions of persons who have not even participated in a case thought to affect the security of the government are treated by the authorities as relevant to a decision on security or loyalty status, the grand jurors would recognize that a vote against an indictment in this case would be harmful to their security status.

17. Affiant has personal knowledge that during formal hearings under Executive Order 10450 persons under investigation have been asked their opinions of Congressional investigation committees including the House Committee on Un-American Activities. The grand jurors would recog-

nize that a vote against indictment of a person who had been cited by the said Committee as contemptuous would be harmful to their security status.

18. I respectfully call the court's attention to *Dennis v. United States*, 339 U. S. 162, where the defendant attacked the presence of federal employees on the jury which convicted him. The Supreme Court pointed out that the Loyalty Order relied upon by the defendant as grounds for that attack preceded the trial of that case by only three months and concluded that there was no "anticipatory fear" of the "administrative implementation" of the Order. More than seven years of administrative implementation has created a real and personal fear.

19. Affiant is aware of the decision of this Court in *United States v. Emspak* and the related cases denying a motion to dismiss or hold a hearing, based on the presence on the grand jury of employees of the United States, 95 F. Supp. 1010, aff. 91 U. S. App. D. C. 378, 203 F. 2d 54, certiorari granted on other grounds 346 U. S. 809. The Supreme Court has granted petitions for certiorari in the cases related to *Emspak*, *Quinn v. United States*, 374 U. S. 1008, and *Bart v. United States*, 347 U. S. 1011, on the issue, 305 among others, of the validity of the indictments returned by a grand jury which included ten government employees and the wives of two government employees.

20. The affiants in support of the motion to dismiss in the *Emspak* and related cases did not set forth that any federal agency would take notice of a vote against an indictment, or that government employees would recognize that a vote against indictment would be harmful to their security status.

JOSEPH L. RAUH, JR.

Subscribed and sworn to before me this 10th day of January, 1955.

MARY C. ASAY,  
*Notary Public.*

My commission expires December 31, 1957.

306 Filed February 7, 1955

On this 7th day of February, 1955, came again the parties aforesaid, in manner as aforesaid, whereupon, the argument

of counsel on the motion of the defendant to dismiss the indictment or for a preliminary hearing is concluded; thereupon, the motion is denied by the Court.

By direction of

DAVID A. PINE,  
*Presiding Judge,*  
*Criminal Court # Five.*

308 To Thomas W. Beale, Clerk  
Committee on Un-American Activities  
House of Representatives  
Congress of the United States

You are hereby commanded to appear in the United States District Court for the District of Columbia at 3rd & Constitution Ave., N. W., 4th Floor, Courtroom 8, in the city of Washington on the 23 day of May 1955 at 10:00 o'clock A.M. to testify in the case of United States v. John T. Watkins and bring with you the following material from the files of, and otherwise in the possession and control of, the Committee on Un-American Activities of the House of Representatives: (1) all records, files, memoranda, documents and other written information (other than cross references and duplications) relating to each person listed in Schedule A attached hereto and made a part hereof, and including, without limiting the foregoing, (2) the file or files, including but not limited to files referred to by the Committee on Un-American Activities as public files and those referred to by the said Committee as investigative or confidential files, on each person listed in Schedule A, and (3) all card records on, and histories of, each person listed in Schedule A and all material upon which said records and histories are based. This subpoena is issued upon application of the defendant.

May 16, 1955.

Sidney S. Sachs,  
*Attorney for defendant.*  
*309 Woodward Building.*

SIDNEY S. SACHS,

HARRY M. HULL,

*Clerk.*

By MARGARET L. BONVELL,  
*Deputy Clerk.*

309

## SCHEDULE A

1. John T. Watkins
2. Charles Hobbe (sometimes spelled Hobbie)
3. Lee Landbaker
4. Leland Baker
5. Harold Fisher
6. Henry Mack
7. Ernest DeMaio
8. Charles Killinger
9. Morris Childs
10. Dorothy Hillyerd
11. Theo Kruse
12. Charles Lawson
13. Olaf Lidel
14. Sarah Levine
15. Murray Levine
16. Harriet Leuth
17. Herbert Marsh
18. Ajay Martin
19. Harold Metcalf
20. John Milkevitch
21. Grant Oakes
22. Joe Ruick (alias Joe Webber)
23. Frank Rogers
24. Arthur Saunders
25. Seymour Siporin
26. Joseph Stern
27. George Teeple
28. Ray Teeple
29. Donald Tieglan
30. Rex Wielock
31. John Wilson
32. Marie Wilson
33. Mrs. John Wilson

310 To: Ralph R. Roberts,  
Clerk of the House of Representatives,  
Congress of the United States.

You are hereby commanded to appear in the United States  
District Court for the District of Columbia at 3rd & Consti-

tution Ave., N. W., 4th Floor, Courtroom 8, in the city of Washington on the 23 day of May 1955 at 10:00 o'clock A.M. to testify in the case of United States v. John T. Watkins and bring with you the following material from the files of, and otherwise in the possession and control of, the Committee on Un-American Activities of the House of Representatives: (1) all records, files, memoranda, documents and other written information (other than cross references and duplications) relating to each person listed in Schedule A attached hereto and made a part hereof, and including, without limiting the foregoing, (2) the file or files, including but not limited to files referred to by the Committee on Un-American Activities as public files and those referred to by the said Committee as investigative or confidential files, on each person listed in Schedule A, and (3) all card records on, and histories of, each person listed in Schedule A and all material upon which said records and histories are based. This subpoena is issued upon application of the defendant.  
May 16, 1955.

SIDNEY A. SACHS,  
*Attorney for defendant,*  
*309 Woodward Building.*

HARRY M. HULL,  
*Clerk,*  
By MARGARET L. BOSWELL,  
*Deputy Clerk.*

311

*SCHEDULE A*

1. John T. Watkins
2. Charles Hobbe (sometimes spelled Hobbie)
3. Lee Landbaker
4. Leland Baker
5. Harold Fisher
6. Henry Mack
7. Ernest DeMaio
8. Charles Killinger
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20. John Milkevitch
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23. Frank Rogers
24. Arthur Saunders
25. Seymour Siporin
26. Joseph Stern
27. George Teeple
28. Ray Teeple
29. Donald Tieglan
30. Rex Wielock
31. John Wilson
32. Marie Wilson
33. Mrs. John Wilson

307 U. S. MARSHAL'S RETURN OF SERVICE  
FOR  
THE DISTRICT OF COLUMBIA

Cr. Case No. 1153-54

*U. S.*

*vs.*

*John T. Watkins*

Summoned the within-named by delivering a true copy of subpoena to Thomas W. Beal, 225A 160 B., Personally, 5/16/55; accepted check. Ralph R. Roberts, U. S. Capitol, Personally, 5/16/55; accepted check.

CARLTON G. BEALL,  
*United States Marshal,*  
By JOHN L. SULLIVAN,  
*Deputy.*



(Filed May 20, 1955)

*Motion to Quash Subpoenas*

Comes now the United States, by the United States Attorney for the District of Columbia, and moves this Honorable Court to quash the subpoena *duces tecum*<sup>1</sup> served herein on May 16, 1955, upon Thomas W. Beale, Clerk, Committee on Un-American Activities, House of Representatives, Congress of the United States, and an identical subpoena addressed to and served on the same date upon Ralph R. Roberts, Clerk of the House of Representatives, Congress of the United States, for the following reasons:

1. Rule 17(c) of the Federal Rules of Criminal Procedure, which authorizes the issuance of subpoenas *duces tecum*, does not require the government to produce the documents sought by the defendant because they are not "evidentiary".
  2. Compliance with the subpoena would be unreasonable and oppressive.
  3. The subpoena is a "fishing expedition".
  4. Some of the documents called for would disclose the identity of confidential informants.
  5. Most of the documents called for relate importantly, and some critically, to the national security.
  6. Most of the documents called for in the subpoena, apart from their being in the possession of the legislative branch, are, in themselves, confidential with respect to their content and their purpose.
- 313 7. The court is without jurisdiction to direct the House of Representatives to produce its records.

LEO A. ROVER,  
*United States Attorney.*

WILLIAM A. HITZ,  
*Assistant United States Attorney.*

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<sup>1</sup> Copy is attached hereto.

323 (Filed May 26, 1955)

*Motion With Regard to Subpoenaed Documents*

1. Defendant requests the Court:

(a) To deny the Government's "Motion to Quash Subpoenas".

(b) To rule that the documents specified in the subpoenas issued in this case to the Clerk of the House of Representatives and to the Clerk of the Committee on Un-American Activities of the House of Representatives are relevant and material to defendant's case, and

(c) Respectfully to request the House of Representatives to permit the inspection and copying of said documents.

2. Defendant moves the Court, if defendant's above requests are denied, to dismiss the indictment against him because the documents are essential to a full defense against the Government's case and without them he is deprived of his constitutional rights to a fair trial and compulsory process under the Fifth and Sixth Amendments to the Constitution.

JOSEPH L. RAUH, JR.,  
SIDNEY SACHS,  
*Counsel for Defendant.*

345 WAIVER OF TRIAL BY JURY

With consent of the United States Attorney and the approval of the Court, the defendant waives his right to trial by jury.

JOHN T. WATKINS,  
*Defendant.*  
SIDNEY A. SACHS,  
*Attorney for Defendant.*

I Consent  
W. HITZ,  
*United States Attorney.*

APPROVED:  
JOSEPH C. MCGARRAGHY,  
*Judge.*

346

(Filed May 26, 1955)

On this 26th day of May, 1955 came the attorney of the United States; the defendant in proper person and by his attorneys, Sidney Sachs, Joseph L. Rauh, Jr., Norma Zark and Daniel Pollitt; whereupon the motion of the government to quash subpoenas, heretofore heard and taken under advisement is by the Court granted; the motions of the defendant to deny the government's motion to quash subpoenas, for ruling that documents specified in subpoenas are relevant and material to defendant's case, and for inspection and copying of said documents, and for dismissal, heretofore heard and taken under advisement, are by the Court denied; whereupon the defendant waives trial by jury and the attorney of the United States consenting thereto, and with approval of the Court, the trial proceeds.

The motion of the defendant for leave to inspect Grand Jury minutes is by the Court denied.

The motion of the defendant to dismiss the indictment or in the alternative for a judgment of acquittal is heard in part and continued until the meeting of the Court, tomorrow morning at 10:30 a.m.

347

(Filed May 27, 1955)

On this 27th day of May, 1952, came the parties aforesaid, in manner as aforesaid, in this case, the trial of which was respited yesterday; the motion of the defendant to dismiss or in the alternative for judgment of acquittal, coming on to be heard further, after argument by counsel, is by the Court denied.

It is adjudged by the Court that the defendant is guilty as indicted.

The defendant is permitted to remain on bond pending sentence.

348

(Filed June 14, 1955)

On this 10th day of June, 1955 came the attorney for the government and the defendant appeared in person and by counsel, Sidney Sachs, and Joseph L. Rauh, Jr., Esquire.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and verdict of guilty of the

offense of Contempt of Congress as charged on counts one thru seven, inclusive and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of One (1) year, and to pay a fine of Five Hundred (\$500.00) Dollars.

IT IS ADJUDGED that the execution of this sentence be and is hereby suspended insofar as the term of imprisonment is concerned only, and that the said defendant be and is hereby placed on probation in charge of the Probation Officer of the Court.

JOSEPH C. MCGARRAGHY,  
*United States District Judge.*

350 (Filed June 13, 1955)

ORDER

Defendant having applied pursuant to Rule 38(a)(3) of the Federal Rules of Criminal Procedure for a stay of the sentence to pay a \$500 fine, and it appearing that an appeal is being taken by defendant, it is hereby

ORDERED AND DECREED this 13th day of June, 1955, that the said fine should be, and is, stayed pending appeal.

JOSEPH C. MCGARRAGHY,  
*Judge.*

2 \* \* \* \* \* Wednesday, May 25, 1955.

The above-entitled matter came on for hearing before Judge Joseph C. McGarraghy at 10 o'clock a. m.

3 \* \* \* \* \* PROCEEDINGS

4 \* \* \* \* \* Mr. Hitz: Your Honor, here is the waiver of jury.  
(Paper handed up to court.) That is consented to by the Government.

Your Honor, in this case the defendant has filed upon the Clerk of the House of Representatives and upon the Clerk of the Un-American Activities Committee of the House, a subpoena duces tecum which, to put it shortly, calls

for all of their papers in connection with the testimony of the defendant Watkins, including all their papers with reference to him, himself.

\* \* \* \* \*  
 11 I should perhaps say that the field of the investigation here is the infiltration of the Communists into union activity in this country, having in mind possible amendments that would bear upon the Taft-Hartley, so-called Taft-Hartley Act, and the Internal Security Act.

\* \* \* \* \*  
 24 Now, not under oath, not under the oath of an affidavit, I have asserted in the memorandum in support that the Clerk of the committee has informed me that it will take somewhere—about three weeks, I think it is,—

25 The Court: I think you said two.

Mr. Hitz:—about two weeks to assemble the material; that it will take at least three—I think they call them analysts—to obtain the material.

\* \* \* \* \*  
 55 Mr. Hitz: In this particular case, it was investigating the infiltration into unions of Communists and persons with Communist Party sympathies, for the avowed purpose—I say the avowed purpose because it was avowed by its chairman at the commencement of the hearings—with the avowed purpose of determining whether the Subversive Activities Act, no, the Internal Security Act, should be amended so as to deny the Taft-Hartley Act privileges to unions which have become infiltrated—

\* \* \* \* \*  
 72 The Court: Gentlemen, after yesterday's argument, I spent the afternoon examining all the authorities that you were good enough to furnish me on both sides, and I have come to the conclusion that the documents which the subpoena seeks are not relevant to the issues in the case. Therefore, I will grant the motion to quash and will deny the defendant's motion in the alternative.

\* \* \* \* \*  
 75 Mr. Hitz: \* \* \* We will offer our testimony from Mr. Kunzig, who will be our only witness, and he was then counsel for the committee, co-chief for it, offer testimony that this was a continuation here in Washington of a hearing commenced in Chicago some time before, and that the hearings were for the purpose of determining the extent

of infiltration of Communists and Communism into unions throughout the country; that the Chicago phase of it was geographical to that area, and that when Mr. Watkins could not be located, or for some reason was not located when the committee went to Chicago to hold its hearings there, it was arranged for Mr. Watkins then to come to Washington. That is why there was a continuation in Washington of the Chicago hearings, to hear Mr. Watkins and one or two others.

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80 Thereupon ROBERT L. KUNZIG was called as a witness by the Government and, having been first duly sworn, was examined and testified as follows:

81 Direct examination.

By Mr. Hitz:

Q. Mr. Kunzig, give your full name, please?

A. Robert L. Kunzig, K-u-n-z-i-g.

Q. You are an attorney, are you, sir?

A. Yes, sir.

Q. Are you a member of any bars, legal bars?

A. I am a member of the bar of the Commonwealth of Pennsylvania.

Q. Were you formerly employed by the House Un-American Activities Committee?

A. Yes. During the past two years, I was counsel for the House Un-American Activities Committee.

Q. You are not with the committee at the present time, are you, sir?

A. No, at the present time I am the assistant to the chairman of the Civil Aeronautics Board here in Washington, D. C.

Q. Thank you, sir.

Therefore, in April 1954, were you counsel for the Un-American Activities Committee?

A. Yes, sir.

Mr. Hitz: Your Honor, I have certain formal documents I would like to have marked and introduced, the first of which I would like the clerk to mark Government Number

1, a document entitled, "House Resolution No. 2,"  
 82 which is a message addressed to the Senate, stating  
 that Joseph Martin of Massachusetts was elected  
 Speaker of the House, and that Lyle O. Snader was elected  
 the Clerk of the House. That is transmitted to the Sen-  
 ate, and you might say that is one of the mechanics of  
 getting the House in operation for the particular session.  
 Mr. Snader then becomes the certifying officer for other  
 papers.

Any objection?

Mr. Sachs: I would like to see it, please.

The Deputy Clerk: I have marked that Government's  
 Exhibit Number 1 for identification.

(House Resolution 2 was marked as Government Ex-  
 hibit 1 for identification.)

The Court: Is there any objection, Mr. Sachs?

Mr. Sachs: No objection.

The Court: Very well, it will be admitted.

Mr. Sachs: Is that in evidence?

The Deputy Clerk: Government's Exhibit Number 1  
 in evidence.

(Government Exhibit 1 was received in evidence.)

Mr. Hitz: Next document I would like to have marked is  
 a statement by Mr. Snader, the Clerk I have just indicated  
 here, to the effect that there were certain named  
 83 persons, members of the House of Representatives,  
 designated to serve as members of the Committee on  
 Un-American Activities. This is a certification from the  
 journal of the House. It names certain persons, and I will  
 read them to the court if this is admitted.

(Statement by Clerk of House designating members of  
 the committee was marked as Government's Exhibit 2 for  
 identification.)

Mr. Hitz: Mark these 3, 4, 5.

(Documents were marked as Government Exhibits 3,  
 4 and 5 for identification.)

Mr. Sachs: No objection.

The Court: Is that number 2?

Mr. Sachs: Yes,

The Court: Very well, it will be admitted.

The Deputy Clerk: It will be Government's Exhibit Number 2 in evidence.

(Government Exhibit 2 was received in evidence.)

Mr. Hitz: This document, Number 2 for the Government, states that the journal of the House states that on January 19, 1953, there were designated to comprise the Un-American Activities Committee of that body: Mr. Velde, Mr. Kearney, Mr. Jackson, Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Moulder, Mr. Doyle, and Mr. Frazier.

84 I next will offer Government Number 3, which I will describe for the written record to be a certified copy of the report of the Un-American Activities Committee to the House of Representatives, citing the facts of the alleged contempt, and asking the House to certify that contempt to the United States Attorney. I offer that not for the contents of the report, but for the fact that it was made.

Mr. Sachs: That is all right. That is the part I was going to object to.

The Court: Very well, it will be received.

The Deputy Clerk: Government's Exhibit—

Mr. Sachs: The reason I was going to make that point is, we find that certain things are left out of that report. It is not a complete report of the proceedings.

The Deputy Clerk: It will be Government's Exhibit Number 3 in evidence.

(Government Exhibit 3, report of the Committee to the House, was received in evidence.)

Mr. Hitz: I don't think, since it has been received, at this time we need make any further use of it than to have the record indicate what I indicated by describing it for Your Honor and for the record, that it indicates the certification by the committee to the House.

85 The next is House Resolution 534, which has been marked Government Number 4 for identification. The

House resolution is the one which cited the alleged contempt of Mr. Watkins to the United States Attorney for criminal proceedings.



Any objection, Mr. Sachs?

Mr. Sachs: No objection.

The Court: It will be admitted.

The Deputy Clerk: Government's Exhibit Number 4 in evidence.

(Government Exhibit 4, House Resolution 534, was received in evidence.)

Mr. Hitz: Government's 4 does just what I have indicated by the identification of it. It was the resolution which was passed by the House and did cite to the United States Attorney the facts of the contempt of the Un-American Activities Committee by Mr. Watkins.

\* \* \* \* \*

86 Mr. Hitz: The next document is the actual certification by the Speaker of the House to the United States Attorney. It is in the form of a letter.

Mr. Hitz: That is Government 5.

Mr. Sachs, any objection?

Mr. Sachs: No objection.

Mr. Hitz: May it be received?

The Court: It will be received.

The Deputy Clerk: It will be Government's Exhibit Number 5 in evidence.

(Certification to U.S. Attorney, Government Exhibit 5, was received in evidence.)

By Mr. Hitz:

Q. Mr. Kunzig, the Un-American Activities Committee is a standing committee of the House of Representatives, is it not, sir?

A. That is correct.

Mr. Hitz: For the court and for the record, it was established by Public Law 601, Section 121, of the 79th Congress, and it has been codified into 60 Statutes at Large, 828, as is indicated in the first introductory paragraph of the indictment.

By Mr. Hitz:

87 Q. Mr. Kunzig, do you have a copy of Chicago Area Number 3 Report on the Investigation of Communist Activities in the Chicago area?

A. Yes, I do.

Q. That is, hearings of the Committee on Un-American Activities.

Mr. Hitz: Do you have a copy, Mr. Sachs?

Mr. Sachs: If you will bear with me just a moment, I think we do. Is that Part 3?

Mr. Hitz: That is Part 3.

By Mr. Hitz:

Q. And it is in that volume, is it not, Mr. Kunzig, that Mr. Watkins' testimony of April 29, 1954, appears?

A. Yes.

\* \* \* \* \*

88 By Mr. Hitz:

Q. Mr. Kunzig, would you be good enough to turn to page vi at the front,, and look, and perhaps you will recognize there the portion of the statute that creates the Un-American Activities Committee. Will you look at it and tell me, were you functioning under that particular section? and if so, I will read it.

Mr. Sachs: Excuse me, please.

\* \* \* \* \*

90 Mr. Hitz: I was asking Mr. Kunzig if the statute creating the committee and under which they were operating in April 1954 is reprinted in part on page vi of this Washington hearing of the Chicago series.

The Witness: Yes, it is.

Mr. Hitz: And I don't think I need to read it into the record. I will be glad to read it to the court. Roughly, it is to the effect that the committee shall investigate the extent, character and objects of un-American propaganda activities in the United States; (2) the diffusion

within the United States of subversive and un-American propaganda that is instigated from foreign countries, or of a domestic origin, and attacks the principle of the form of government as guaranteed by our Constitution; and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

Then, certain procedures are set up in the final paragraph. We don't care to read them. They are, of course, available to the court, because it is a statute that is passed, and you need not even take judicial notice of that.

By Mr. Hitz:

91 Q. Now, Mr. Kunzig, would you be good enough to tell us what the committee was investigating at the time that it held its hearing in Washington on April 29th, to which Mr. Watkins had been called?

Mr. Sachs: Just a moment, please.

If Your Honor please, I wonder if Mr. Hitz would be good enough to elicit from the witness the source of his information before the witness is allowed to answer that question.

The Court: I suppose the general counsel for the committee—I suppose he knows that as general counsel of the committee. Would he not?

By Mr. Hitz:

Q. Did you know what the purpose of the committee was?

A. Oh, certainly, sir. It would be very difficult to be in a position of general counsel of the committee and not know what the purpose of the hearings would be.

\* \* \* \* \*

92 By Mr. Hitz:

Q. Would you be good enough to state whether the hearing in Washington on the 29th of April was a continuation of any other hearing?

A. Yes, in March of that year——

Mr. Sachs: I think that he has answered the question.

By Mr. Hitz:

Q. It was a continuation of what hearing?

A. It was a continuation of hearings which started in, I believe, if my memory serves correctly, March 15th and 16th of 1954, in Chicago, Illinois, and certain witnesses were unavailable or couldn't be found, and therefore it was continued to Washington.

Mr. Sachs (Simultaneous with end of answer): Now, if Your Honor please,—

The Court: Well, I think it is relevant.

By Mr. Hitz:

93 Q. Have you finished?

A. I was about to say that certain witnesses could not be found, and therefore, as you can well imagine, Congressmen have to follow a pretty careful schedule, have to go back for votes and various things, and so many times hearings are continued back to Washington, D. C., when it then becomes necessary to bring the witness to Washington, because the Congressmen can't get out of the city.

Q. What was under consideration by the committee when it held this hearing in Washington on April 29, 1954?

Mr. Sachs: If Your Honor please, I think that they should be confined to the record at this point. I don't think this witness' statement as to what was under consideration is proper.

The Court: I will overrule the objection.

A. The matters that were under consideration involved largely Communism or alleged Communist infiltration into labor unions, and we examined into that subject quite carefully in Chicago, and continued on this particular day in Washington with the defendant here today.

By Mr. Hitz:

Q. Previously, had the committee investigated that particular problem in other localities besides Chicago?

A. Yes, sir. That was the subject which was more or less under continuous investigation and had been in-

94     investigated in various cities, such as San Francisco, Los Angeles, Columbus, Ohio, and various other cities, Washington, D. C., New York, New York; and this was a hearing in Chicago and continued in Washington, D. C.

Q. Did the committee also explore this problem in the Pacific Northwest?

A. Yes, we had very lengthy hearings in Seattle and in Portland on that subject.

Q. Now, publicly at any stage of the Chicago hearings—and you say this was a part of the Chicago hearing, although in Washington. Publicly, at any stage of the Chicago hearing prior to April 29th, did the chairman make a public statement of the purposes of this course of inquiry? Just answer “Yes, he did” or “No, he did not.”

A. Yes.

Q. Where did he make that statement with reference to the Chicago hearings?

A. He made that statement on the opening day at the Chicago hearings, publicly for all to hear.

Q. Now, what was the publicly announced purpose of this particular phase of the inquiry into infiltration into unionism?

Mr. Sachs: May I make a few points, Your Honor?

First of all, I don't think we are interested in what the purpose was. I think we are interested in what  
95     the subject of the inquiry was.

The purpose, if we get into questions of purpose, we are going to get into a confused area that we debated to some extent yesterday, whether it was a legislative purpose or not.

It seems to me the issue here is, what was the subject matter of the inquiry.

The second point that I would like to make is to reiterate my objection that what the chairman said at Chicago is irrelevant to this case.

The Court: I overrule the objection.

Mr. Sachs: Could the question be reread?

The Witness: Yes, please.

(The pending question was read by the reporter.)

A. The publicly announced purpose, as I recall it, was to investigate into labor unions, into the problem of possible infiltration, and that it was made clear that the committee itself had this subject under investigation, that the committee had been largely responsible for the passage of the Internal Security Act of 1950, and that at the very moment we were in Chicago, a vital amendment to that Act was at that moment before the committee.

In other words, the House had referred a bill to the committee on that very subject of infiltration of labor unions, Communist infiltration, and we were looking  
96 into that subject at that time.

I might add that bill has since become a law of the United States.

Mr. Sachs: May it please the court, I ask that his last volunteered statement be stricken, and I move that his whole answer be stricken, on the ground that it is improper for him to testify as to what happened, when we have the printed transcript here. I don't think that his testimony is the best evidence.

The Court: I will deny your motion.

By Mr. Hitz:

Q. Now, you say that ultimately there was passed by the House, in the same session in which Mr. Watkins testified, the subject matter of this indictment, an amendment to the Internal Security Act of 1950, having to do with infiltration of unions by the Communists?

A. Yes, sir, that became law. It was passed, I believe, sometime in August, one of the last days of the Congress.

Q. And do I understand you to say that at the time of the commencement of the Chicago hearings, the House had already referred to your committee for—

Mr. Sachs: If Your Honor please, I am sorry, I don't want to interrupt Mr. Hitz, but it—

Mr. Hitz: Well, you are certainly doing it, Mr. Sachs.

97 The Court: As a matter of fact, I think the witness has already covered the subject.

By Mr. Hitz:

Q. You say that ultimately this was passed?

A. Yes.

Q. This amendment to the Internal Security Act. Was it passed after the initial Chicago hearing, or after that, as well as after April 29th?

A. It was passed after the initial Chicago hearing, and after the April 29th date at which this defendant here today testified.

Q. Thank you, sir.

Now, in addition to what you have indicated the committee had under consideration with respect to legislation, was there any other, or other matters that the committee was considering in the field of subversive activities, to recommend to the House?

Mr. Sachs: Just a moment, please. May I object, if Your Honor please. It seems to me that we should be limited at least to public statements at the hearing, and that there is just no limit to what we can get into if this gentleman is allowed to testify as to the purpose of the committee.

Mr. Hitz: I can so limit it.

The Court: I think so.

By Mr. Hitz:

98 Q. —as indicated in the public statement of the chairman at the commencement of the Chicago hearing?

A. May I see that statement?

Q. Yes.

Mr. Sachs: The record, of course, is clear that we did not waive our objection to the evidence, as to what happened in Chicago.

The Court: Yes, I understand.

(Witness inspecting document)

By Mr. Hitz:

Q. If you do not recall, I can ask that direct question. Do you recall or not?

A. I don't recall the chairman's exact words at the moment, no.

Q. Do you recall whether or not the chairman stated at that time that there was under consideration by the committee a possible recommendation with respect to an immunity statute? Did the chairman state anything in that connection?

Mr. Sachs: May it please the court, the witness has before him the complete transcript.

The Court: Yes, I think he should refer to the transcript.

A. Yes. Among the recommendations which were being studied was an immunity statute, which we were at 99 that time working on before the House, and also one involving confidential devices being used in investigation, and so forth.

By Mr. Hitz:

Q. Now, have you refreshed your recollection on this last subject from looking at a portion of the public hearings of the committee?

A. Yes, sir, I have.

Q. And of the public hearings, that part is what?

A. I am looking at the document entitled, "Investigation of Communist Activities in the Chicago Area, Part 1," dated Monday, March 15, 1954.

Q. And of those hearings, particularly what part were you looking at to refresh yourself?

A. Page 4165.

Q. And who is making a statement, if he is making one?

A. The chairman of the committee, Harold Velde.

Q. In public session?

A. Opening statement on the opening day, public.

\* \* \* \* \*

100 By Mr. Hitz:

Q. Mr. Kunzig, did you, in the testimony we will shortly get to, of Mr. Watkins here in Washington on April 29th, incorporate in your questions of him, information that had been given under oath by other witnesses at



other times, concerning Mr. Watkins' Communist Party activities?

A. I did.

Q. Were you limiting yourself to that much of the  
101 information in the hands of the committee? Tell us  
what it was that the committee had learned about  
Mr. Watkins prior to this testimony.

A. May I refer to the specific questions which I asked  
Mr. Watkins?

Q. I am sure the court will allow you, for the sake of completeness and accuracy.

The Court: Very well.

A. There was testimony from one Mr. Spencer, one Donald Spencer, and I asked the question:

“Now, Mr. Watkins, on September 3, 1952, at hearings before this committee, one Donald Spencer testified as follows:—

Mr. Sachs: Excuse me. I think the question was, what information under oath did the witness have, not what question did he ask Watkins.

The Court: Yes, that was my understanding.

The Witness: It was interwoven.

Mr. Hitz: My understanding was that Mr. Sachs objected that this witness wouldn't know what the committee had in mind, and therefore I said, Well, I think we can indicate, from what questions were asked of Mr. Watkins, what the committee had in mind before he was called. Mr. Kunzig at the hearing confronted Mr. Watkins with what other people had said publicly.

102 The Court: I understood this witness was going to testify to what information the committee received in Chicago with respect to Mr. Watkins. Wasn't that what you wanted?

Mr. Hitz: That is precisely it, but Mr. Kunzig read that information to Watkins here in Washington, said in effect, “What have you got to say about this accusation?” And Mr. Kunzig is relating now what it was the committee had, and we are overcoming an objection by Mr. Sachs—

The Court: I think he may proceed.

Mr. Sachs: It's really not the question. If he asked that question, I'd object.

The Witness: May I proceed?

A. (Continuing) The question that was originally asked of Mr. Spencer was:

"During the period that you were a member of the Farm Equipment Workers, did you become a member of the Communist Party?"

Mr. Spencer said,

"Yes, sir.

"Question: When did you become a member?

"Mr. Spencer: In 1943, in October.

"Question: How long did you remain a member of the Communist Party?

"Spencer: Well, my dues were paid until the first of January, 1946.

103 "Question: Who recruited you into the Communist Party?

"Spencer: Walter Rumsey, R-u-m-s-e-y, encouraged me into the Party with the endorsement and full knowledge of John Watkins.

"Question: Is that John Watkins?

"Spencer: Yes, sir. He was district vice president of the FE at that time."

Now, shall I go on, sir.

By Mr. Hitz:

Q. No.

Now, prior to the testimony of Mr. Watkins on the date that we are concerned with, had the committee received public testimony from this man Rumsey, who was referred to by witness Spencer, which you have just read?

A. Yes.

Q. Just answer whether it did or did not.

A. Yes.

Q. Does the fact that the committee had received that information prior to Mr. Watkins' testimony, and that it was testimony given in a public hearing, reflect itself in this record of Mr. Watkins' testimony?

A. Yes, it does. I asked about these questions.

Q. You asked Mr. Watkins?

A. Yes.

104 Q. Now, confining yourself to that portion of the information that was given publicly by Mr. Rumsey, which is contained in the Watkins hearings, will you refer to it?

A. Yes, sir. Shall I continue?

Q. And for the record, let us find the page.

A. I am now on page 4237 of the investigation of Communist activities in the Chicago area, Part 3, April 29, 1954.

Q. All right, sir.

A. And I referred to the question that I had asked Mr. Rumsey,

“Did you ever pay dues to Mr. Watkins?” and the answer was,

“Yes.”

Q. That is, Mr. Rumsey had previously testified on March 16, 1954,—

A. Yes.

Q. —that he paid dues to Mr. Watkins. Is that the purport of the testimony here?

A. That is right.

Q. Now, was that fact known to the committee prior to the testimony of Mr. Watkins on April 29th?

A. Very definitely, certainly.

Q. Is there any other testimony of Mr. Rumsey linking Mr. Watkins to Communist Party activities which was known to the committee prior to the calling of Mr. Watkins, and which is reflected in the Watkins hearings?

105 A. Yes, on page 4274 of the same hearings I have just been reading from, when Mr. Rumsey was before the committee, I had asked him the question,

“Now, how long did you belong to the Communist Party?”

“Rumsey: It would be in August 1944 when I left.

“Kunzig: To whom did you pay dues in the Party, Mr. Rumsey?”

“Rumsey: Well, it would be the various organizers; that is, district organizers.

“Kunzig: Did you ever pay dues to Mr. Watkins?

“Rumsey: Yes.

“Kunzig: Was this at the beginning?

“Rumsey: At the start.

“Kunzig: Do you recall how much dues you paid?

“Rumsey: It was on the percentage, it was prorated, percentagewise.”

Then I asked Mr. Rumsey:

“Did you collect dues from people in the Communist Party?”

and then I said,

106 “In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?”

and the answer of Mr. Rumsey was,

“Sam Brown.”

That had to do with an alias which was another part of the testimony.

Q. Now, Mr. Kunzig, the information that you have just read us, question and answer of Mr. Spencer, and question and answer of Mr. Rumsey, was that information which had been received in sworn testimony publicly by the un-American Activities Committee prior to April 29, 1954?

A. Yes.

Mr. Hitz: Your Honor, there has been a stipulation entered into between the Government and the defense in this case, that the Public Hearing Number 3 of the Chicago investigation, so-called, copy of which you have and the witness has and counsel has, is an accurate statement of what took place on the day of April 29, 1954. Both sides have reserved the right to object on various other grounds, such as materiality and relevancy and competency, but that it is accurate has been agreed to.

That being the case, the Government at this time will offer in evidence all of the testimony on April 29th, 1954, as contained in that document, which was given by Mr. Watkins,

including the introductory paragraphs contained on  
107 page 4265.

The Court: How far does that go? 4278?

Mr. Hitz: It will be 4279, when the next witness is called.  
Any objection, Mr. Sachs?

Mr. Sachs: Well, I didn't understand what Mr. Hitz  
meant when he said including the introductory paragraph.

The Court: I suppose he meant the first paragraph on  
page 4275.

Mr. Sachs: 4275?

The Court: 4265.

Mr. Hitz: It would embrace from the point where Mr.  
Velde's name is mentioned as Speaker, about the fourth  
paragraph,—

The Court: "The Committee will be in order"?

Mr. Hitz: "The Committee will be in order." From that  
point on to the end of the testimony of Mr. Watkins.

Mr. Sachs: No objection.

Excuse me let me withhold that "no objection" for just  
one minute.

(After conferring with co-counsel:) I would like to re-  
instate that "no objection."

The Court: Very well, it will be admitted.

The Deputy Clerk: It will be Government's Exhibit Num-  
ber 6 in evidence.

108 (Part 3 of Chicago hearings was marked as Gov-  
ernment Exhibit 3 and received in evidence.)

Mr. Hitz: Mr. Sachs, this might be an appropriate time  
to get this copy which you and I each initialed, because the  
court has one he may care to use for some other reason.

The Court: Is that the copy you are marking in evidence?

Mr. Hitz: This is the copy we are going to mark, of the  
same document. I think the record will sufficiently show  
what portions of it have been offered and received, and at  
some future time we might mark it.

Mr. Sachs: Is that Number 6?

Mr. Hitz: That is Government's Number 6.

By Mr. Hitz:

Q. Now, Mr. Kunzig, were you present on April 29, 1954,  
when Mr. Watkins testified?

A. Yes, I was there.

Q. Was it in Washington?

A. Yes, sir.

Q. Is Washington in the District of Columbia?

A. Yes, sir.

Q. I don't mean to be facetious, but we have to ask that question to satisfy certain people.

109 Where did the committee meet on that day, sir?

A. The committee met in the Caucus Room as I recall. Yes, in the Caucus Room. That is Room 362 of the Old House Office Building.

Q. At that time, who was chairman of the committee, Mr. Kunzig?

A. Harold H. Velde.

Q. Were there other members of the staff present, without naming them?

A. Yes.

Mr. Hitz: Your Honor, that gets us to that portion of the document which we have offered and has been received without objection. I would like to suggest the procedure of having Mr. Kunzig actually read it. It is a question of him reading it or myself. I am sure he can do it better. Or may the court permit him to read it?

The Court: You may proceed.

\* \* \* \* \*

110 By Mr. Hitz:

Q. Mr. Kunzig, will you read the testimony, please, beginning with Mr. Velde, and read it slowly enough that they can all get it, including the stenographer can follow it.

111-12 A. "Mr. Velde. The committee will be in order."

(Whereupon, the witness continued to read from Government Exhibit 6, page 4265, line 9 of the text, through line 7, page 4266, at which point he interpolated as follows:)

Then there is a mistake here. It says Mr. Kunzig again, but it obviously is the answer given by Mr. Watkins. The answer given was:

"1244 22d Avenue, Rock Island, Ill."

(Whereupon, the witness continued to read from the

same exhibit, through line 25, page 4267, where he interpolated:)

And then I went on and asked:

(Whereupon, the witness continued to read from the same exhibit, through line 40, same page, where he interpolated:)

And then Kunzig talking again:

(Whereupon, the witness continued to read from the same exhibit, through line 6, page 4268, at which point he interpolated:)

And then I, Kunzig, asked:

(Whereupon, the witness continued to read from the same exhibit, through line 12, same page, where he interpolated:)

Then I asked Mr. Watkins:

(Whereupon, the witness continued to read from the same exhibit, through line 21, same page, where the  
113 following interruption occurred:)

By Mr. Hitz:

Q. Mr. Kunzig, let me interrupt you, please.

Do you recall whether what Mr. Watkins is now being quoted as saying to the committee was read from a written statement or was it orally given extemporaneously, so to speak?

A. No, this was read from a written, prepared statement that Mr. Watkins had with him.

Q. Only this much of it, or other portions of his testimony?

A. This much now, and there will be something else coming later.

Q. When you conclude that part which he read in this passage, will you tell us, and when he commenced reading from the next statement, will you inform us of that?

A. Yes.

Q. Thank you.

A. To the best of my knowledge.

Q. Yes, sir.

Will you start reading from the record at that point where he commenced reading from his statement?

A. Yes, sir.

“Mr. Watkins: I am not now nor have I ever been a card-carrying member of the Communist Party.”

114-15 (Whereupon, the witness continued to read from Government Exhibit 6, page 4268, line 21, through line 37, same page, where he interpolated as follows:)

There is one more paragraph which I honestly cannot recall at the present whether it was written or whether he added that orally, so I will just go on and read it from the record, if I may. This is Mr. Watkins again:

(Whereupon, the witness continued to read from the same exhibit, through the 41st line, same page, where he interpolated:)

Now there is no further reading any more until a later time.

(Whereupon, the witness continued to read from the same exhibit, through line 33, page 4271, where he interpolated:)

And now he is reading:

(Whereupon, the witness continued to read, through the next three lines, where he interpolated:)

End quote. Velde going on:

(Whereupon, the witness continued to read, through line 13 from the bottom of page 4272,

\* \* \* \* \*

116-17 The Court: I think we had stopped at the bottom of page 4272, had you not?

The Witness: Yes, sir.

The Court: You may proceed.

(Whereupon, the witness continued to read, starting with line 12 from the bottom of page 4272, and continuing through line 13 from the bottom of page 4273, at which point he interpolated:)

And then I read:

“ ‘Did you ever pay dues to Mr. Watkins?’ ”



And then I said:

“The answer was ‘Yes.’ ”

Now, Kunzig speaking again:

“Now, I ask you, ‘Did Mr. Rumsey ever pay dues to you?’ ”

(Whereupon, the witness continued to read, through line 2, page 4274, where he interpolated:)

And then I read:

“ ‘Now, how long did you belong to the Communist Party?’ ”

(Whereupon, the witness continued to read, 118-19 through line 13, same page, where he interpolated:)

Then I spoke and said:

“Now you are saying very definitely that no dues were paid to you by Mr. Rumsey?

“Mr. Watkins: I said very definitely they were not.

“Mr. Kunzig: Now, I asked this question of Mr. Rumsey:”

and I read:

“ ‘Did you collect dues from people in the Communist Party?’ ”

and then I went on and said,

“and he went on and testified yes, that he collected dues, and so forth, and I said:”

and I quoted:

“ ‘In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?’ ”

and then I asked Mr. Watkins:

“And he answered: ‘Sam Brown.’ ”

(Whereupon, the witness continued to read from that point, through line 11, page 4275, where he interpolated:)

And at this point I am saying in response to the question

by the United States Attorney that here again the witness started to read from a prepared, written statement.

\* \* \* \* \*

120 (Whereupon, the witness continued to read from Government Exhibit 6, beginning with line 12, page 4275, and continuing through line 6, page 4276, at which point the following interruption occurred:)

Mr. Hitz: Excuse me. Let me interrupt for a moment.

This is the testimony on Count One, Your Honor. I think I might point out as we go along what count——

The Court: Very well.

You may proceed.

(Whereupon, the witness continued to read, beginning with line 7, page 4276, and continuing through the last line before the afternoon session heading, near the bottom of page 4278.)

\* \* \* \* \*

121 By Mr. Hitz:

Q. I would like to ask you, so that the fact is in evidence in this case directly from you as a witness: Did Mr. Rumsey give public testimony to the committee to the effect that all of the persons about whom you asked Mr. Watkins and concerning whom he refused to answer, that those persons were engaged in Communist activity to the knowledge of Rumsey?

Now, number one, do you understand my question?

122 A. Yes.

Q. Will you answer it?

A. To the best of my recollection, yes.

Q. And that was public testimony given to the committee by Mr. Rumsey?

A. Yes.

\* \* \* \* \*

## Cross-examination.

By Mr. Sachs :

Q. Would you give again, Mr. Kunzig, the dates of the period, during which you served as counsel of this committee?

A. I believe I started on March 5th of 1953, the 83rd Congress, and I left the payroll of the House Committee on Un-American Activities February the 28th of this year.

Q. What, in general, were your duties as counsel 123 of the committee? Was it counsel of or counsel for the committee?

A. I don't think it matters. I don't know that there was a difference.

Q. All right, what were your duties, in general?

A. To handle the hearings of the committee, to act as counsel at hearings of the committee, to advise the committee itself on all legal matters.

Q. Did you make arrangements for hearings?

A. Sometimes I may have made them. Usually, they were made by some of the other committee staff, such as the Clerk.

Q. Under your supervision?

A. No, we didn't operate under that type of a system. There was a—it varied at different times, but there was largely an overseeing group, and we each had our responsibilities.

Q. Was the selection of witnesses to be called, your responsibility?

A. That varied at different times. Largely not my specific responsibility, although I might have been in on a group discussing who should be called.

Q. Was the issuance of subpoenas your responsibility?

A. No, the issuance of subpoenas, including all subpoenas during the entire two years, I had nothing to do with at any time.

124 Q. Why did you smile so about that point?

A. No comment.

By Mr. Hitz:

Q. How about the granting of extensions of time as to subpoenas; was that your responsibility?

A. Since at that point there were usually lawyers in the case, lawyers for the defendants—pardon me—lawyers for the witnesses, I usually then would be called by one of the attorneys for a witness, and then usually, after conferring with the chairman, would grant the extension.

Q. And was that done by letter or wire at times?

A. Sometimes letter, sometimes wire. Sometimes it was agreed over the telephone, but there was usually always a confirming wire.

\* \* \* \* \*

125 By Mr. Sachs:

\* \* \* \* \*

Q. Let me diverge for just a moment to the hearings in Chicago which you testified about in response to Mr. Hitz's questions. Part 1 of the Chicago hearings. I think it is, I don't know if it is in evidence or not. Do you have  
126 it before you, the statement that Mr. Velde made at the commencement of the Chicago hearings on March 15th?

The Court: I think he read it in evidence, didn't he?

A. I have it in front of me, yes.

By Mr. Sachs:

Q. Mr. Hitz asked you some questions about Mr. Velde's statement at that time, and as I remember, you spoke extemporaneously. Would you be good enough now to read into the record what Mr. Velde said at the commencement of that hearing.

Mr. Hitz: Is this the same passage that I asked about and you objected to it when we attempted to get it in? I think it is. I don't have a copy, however. Your recollection is good on that, I am sure.

Mr. Sachs: Yes. Yes, that is right. And I think my objection was overruled, and then the witness was allowed,

as I remember, to paraphrase what was said at that time. Now I am asking him to read what was said, since my objection was overruled. And I don't intend by this to waive my objection, but I just want to get the record straight.

The Court: Do you have the statement there?

The Witness: Right here.

The Court: You may read it.

By Mr. Sachs:

Q. You are reading, are you, from page 4165?

127 A. Yes, sir.

“Mr. Velde: The committee will be in order. I should like to make an opening statement regarding our work here in the city of Chicago. The Congress of the United States, realizing that there are individuals and elements in this country whose aim it is to subvert our constitutional form of government, has established the House Committee on Un-American Activities. In establishing this committee, the Congress has directed that we must investigate and hold hearings, either by the full committee or by a subcommittee, to ascertain the extent and success of subversive activities directed against these United States.

“On the basis of these investigations and hearings, the Committee on Un-American Activities reports its findings to the Congress and makes recommendations from these investigations and hearings for new legislation. As a result of this committee's investigations and hearings, the Internal Security Act of 1950 was enacted.

“Over the past fifteen years this committee has been in existence, both as a special and permanent committee, it has made forty-seven recommendations to the Congress to insure proper security against subversion. I am  
128 proud to be able to state that of these forty-seven recommendations, all but eight have been acted upon in one way or another. Among these recommendations which the Congress has not acted upon are those which provide that witnesses appearing before congressional committee be granted immunity from prosecution on the information they furnish.

“The committee has also recommended that evidence secured from confidential devices be admissible in cases involving the national security. The executive branch of Government has now also asked the Congress for such legislation. A study is now being made of various bills dealing with this matter.

“The Congress has also referred to the House Committee on Un-American Activities a bill which would amend the National Security Act of 1950. This bill, if enacted into law, would provide that the Subversive Activities Control Board should, after suitable hearings and procedures, be empowered to find if certain labor organizations are in fact Communist-controlled action groups. Following this action, such labor groups would not have available the use of the National Labor Relations Board as they now have under the provisions of the Labor-Management Relations Act of 1947.

129 “During the first session of this 83rd Congress, the House Un-American Activities Committee has held hearings in Los Angeles and San Francisco, California; Albany and New York City, New York; Philadelphia, Pennsylvania, and Columbus, Ohio. We are here in Chicago, Illinois, realizing that this is the center of the great mid-western area of the United States.

“It cannot be said that subversive infiltration has had a greater nor a lesser success in infiltrating this important area. The hearings today are the culmination of an investigation that has been conducted by the committee’s competent staff and is a part of the committee’s intention for holding hearings in various parts of the country.

“The committee has found that by conducting its investigations and holding hearings in various parts of the country, it has been able to secure a fuller and more comprehensive picture of subversive efforts throughout our nation. Every witness who has been subpoenaed to appear before the committee here in Chicago, as in all hearings conducted by this committee, are known to possess information which will assist the committee in performing its directed function to the Congress of the United States.”

130 Now, that is roughly where it ends. Do you want to go on? The rest relates to other witnesses.

By Mr. Sachs :

Q. Is what you have just read the basis for the testimony you gave in reply to Mr. Hitz's questions, as to what Mr. Velde said to be the purpose of the Chicago hearing?

A. Yes.

Mr. Sachs: Then, if Your Honor please, I move to strike at this point what the witness testified to on direct examination in paraphrasing what he has just read, to the extent that what he said may be additional to or inconsistent with his statement.

The Court: Very well, anything that is inconsistent with the statement, I will strike.

Mr. Hitz: But who is going to determine that?

The Court: The court.

Mr. Hitz: I agree it should, Your Honor.

Mr. Sachs: Does Your Honor also rule that anything additional to the statement will be stricken?

The Court: Yes.

Mr. Hitz: Very well.

By Mr. Sachs :

Q. Now, Mr. Kunzig,——

Mr. Hitz: Which purported to come from Mr. Velde's statement.

131 The Court: I beg your pardon?

Mr. Hitz: Which purported to come from Mr. Velde's statement.

The Court: That is right.

Mr. Hitz: Oh, I think that is quite correct. That is the reason I wanted to get it in, having been read by Mr. Kunzig, in the first place.

Mr. Sachs: I'm sorry, I didn't hear what Mr. Hitz said.

Mr. Hitz: I wanted it to be the statement as given by Mr. Velde. That is the reason I wanted to get it in there in the first place.

Mr. Sachs: I take it that essentially we are all in agreement, then.

Mr. Hitz: I think so.

The Court: Yes.

Mr. Sachs: That the only proper testimony as to the announced purpose of the hearing as given at Chicago is the actual statement that Mr. Velde gave.

Mr. Hitz: Oh, I think so, certainly.

The Court: That is right.

Mr. Sachs: And we intend that our objection to it still be in force, but if we are overruled, we are at this stage.

By Mr. Sachs:

132 Q. I want to ask you a few other questions, Mr. Kunzig.

I believe you said a moment ago, in answer to my question, that you had prepared the examination of Mr. Watkins which took place on April 29th.

A. Well, let me say that I worked together with the committee staff in getting ready for it, yes.

Q. You prepared yourself to ask the questions?

A. That is right.

Q. You made the study that was necessary of the subject matter and of his statement, so that you could ask him the question. Is that right?

A. That is roughly correct, yes.

Q. Are you familiar with the statement made in the Government's memorandum of points and authorities in support of the motion to quash, as follows:—

Mr. Hitz: Will you give me the page?

Mr. Sachs: Page 6.

By Mr. Sachs:

Q. —and I am quoting:

“It would be”——

speaking of our subpoena in this case.

“It would be oppressive, because the clerk of the committee has informed Government counsel that it



would take three research analysts approxi-  
 133 mately two weeks to assemble the documents  
 sought, and would take a truck to bring it to the  
 courthouse.”

Mr. Hitz: Your Honor, I object on two grounds: first, it is beyond the scope of the direct examination. It isn't material. If it is material, it should be brought out by Mr. Sachs in his case. Finally, it is incompetent, coming from this witness.

The Court: What is the purpose of the question, Mr. Sachs?

Mr. Sachs: The witness has testified that he prepared himself to examine Mr. Watkins, and I am asking this as a question preliminary to my next question, which will have to do with what preparation he made.

The Court: I will sustain the objection.

By Mr. Sachs:

Q. Well, I ask you this, then, Mr. Watkins,—

A. Kunzig.

Q. Mr. Kunzig. Are you familiar with the, did you examine the files of the committee relative to the people that Watkins was questioned about, and relative to Watkins himself?

Mr. Hitz: Excuse me, please, sir. I object on the ground that, first, it is beyond the scope; second, it is not material. If it is material, it is part of his case in defense. And  
 134 finally, it means to explore into confidential matter  
 which we have not gone into.

The Court: What is the materiality of what preparation the witness made in preparing to examine Mr. Watkins?

Mr. Sachs: We want to know—May we approach the bench?

The Court: Well, we don't have a jury.

Mr. Sachs: I would just as soon the witness didn't know, if he doesn't already.

(At the bench:)

Mr. Rauh: This is part of our argument from yesterday, Your Honor. We want to show that the committee brought Watkins here when it already had the information in its own files, and we want to show that this witness did not examine this information.

The Court: What do you say, Mr. Hitz?

Mr. Hitz: Well, first of all, it is beyond the scope of the direct. You must put that in in your case in chief, when your testimony goes in, when your time comes. As to using this witness, if you care to make him your witness, we will not object to that procedural fact. We think, however, that the testimony, if elicited under those procedural circumstances, that is, this witness being called as a defense witness now, would be inadmissible, because it would be immaterial, because the defense now attempt to assert by the use of this evidence that if the committee has the information already, it can't get it again from this witness.

That has been decided in the Lawson case as not being a proper defense, and that an exclusion of evidence directed to that purpose was not an improper exclusion of evidence.

I cited to the court yesterday that portion of the appellant's brief in the Court of Appeals which raised that point as an assignment of error. It was not decided as such in the opinion by mentioning it, but it was hidden as one of those points upon which the court said there need not be discussion because discussion was not merited. But it was raised and considered by the Court of Appeals.

We have got, of course, the direct trial court's decision, which is advisory, of course, only, to Your Honor, by Judge Curran, deciding that point. But logic and reason would clearly indicate that such a ruling was the one which should prevail. Because who is the witness to say to the committee, "When you ask me this question, although I don't know what you know, I will pass judgment that what you know is all you can find out, because I won't tell you, because I am saying you already have the information," although he couldn't have the information, he couldn't know what the committee knows.

It is just ridiculous to say, "You have got all the information you could ever have on this subject of infiltration into this union, so far as I am concerned." It is just preposterous.

Mr. Rauh: If Your Honor please, we only have a very limited question we would like to ask. Maybe Mr. Hitz would concede it. That is, Did Mr. Kunzig not first examine his files, this alleged truckload of files, before he questioned the defendant?

And I don't want to re-argue yesterday, Your Honor was very kind in hearing us yesterday,——

The Court: I was wondering if we were going to hear it again today.

Mr. Rauh: You are not, I can assure you, Your Honor. This is a different, this is a point that is related, but it is not on the exposure point. It is limited to the one question that they cannot go and haul a witness out of Rock Island, Illinois, without examining their files first to determine whether they have the information.

The Court: I think I will permit the question. You are limiting it to that question, now?

Mr. Rauh: Yes.

Mr. Hitz: Well, I would like to make—— Well, I have already made my objection.

(In open court:)

Mr. Sachs: Will you read the question, please?

(Whereupon, the reporter read the pending question, which appears on page 133.)

By Mr. Sachs:

Q. This question, of course, relates to prior to the examination of Watkins.

Now will you answer the question?

A. To the best of my recollection, I didn't usually look or examine voluminous files that the committee may have, no. I would have gotten that information after discussion with investigators.

Q. Would you say, then, that at the time you examined

Watkins, you had in your knowledge the information in the files of the committee, relative to Watkins and the people you questioned him about?

Mr. Hitz: We object on the same ground. It is beyond the scope, it is immaterial, and it delves into matters that we did not go into, of a confidential character.

The Court: Objection overruled.

A. I probably had the basic information in my knowledge, yes.

By Mr. Sachs:

Q. You say you probably did have it in your knowledge?

A. Or in some sort of notes of some kind before me, yes.

Q. Do you know what information is in the committee's files relative to the people you questioned Watkins  
138 about, and relative to Watkins?

A. Well, I don't know as I could relate that without looking, I don't know, and I don't have any knowledge today what is in the committee's files about this, except what is public testimony.

Q. Well, did you know at the time you questioned Watkins?

A. You see, a great deal, a large part of it was public testimony.

Q. Mr. Kunzig, if you can, I would like for you to answer yes or no, and then if you want to explain, you can. If you can't answer yes or no, then it is all right.

A. I don't think I can answer yes or no to that question. I could have had some knowledge, yes, based upon a briefing and study with various investigators. A lot of material came from public testimony which was available to everybody—yourself, myself, anyone.

Q. My question is really quite a simple question: Did you know, when you examined Watkins, the information in the committee's files relative to the people you asked him about, and relative to him?

A. I would have known what I was briefed by investigators. Whether that is all the information, of course, does not lie within my knowledge.

Q. When were you briefed by the investigators?

139 A. I have no idea. Sometime prior to the hearing.

Q. Do you remember being briefed by the investigators?

A. I remember, I was always briefed by investigators, so it must have taken place in this case.

Q. Do you remember specifically that you were in this case?

A. Yes, I do recall being——

Q. Do you remember who the investigators were?

Mr. Hitz: Excuse me,——

The Court: Yes, I will sustain the objection.

By Mr. Sachs:

Q. Do you remember where the investigation took place?

Mr. Hitz: Object.

The Court: Sustained.

By Mr. Sachs:

Q. Do you remember if you were briefed in writing or orally?

Mr. Hitz: Object.

The Court: Sustained.

By Mr. Sachs:

Q. Do you remember how long the briefing took?

Mr. Hitz: Objection.

The Court: Sustained.

140 Mr. Sachs: May it please Your Honor,——(Breaking off and smiling)

By Mr. Sachs:

Q. Do you remember today the information that the investigators gave you?

Mr. Hitz: Object.

The Court: Sustained.

Mr. Sachs: Well, let me just ask this question, then, on that point.

By Mr. Sachs:

Q. Did you know, when you asked Watkins, all the information that the committee had in its files concerning the people you questioned Watkins about, and concerning Watkins?

Mr. Hitz: Object.

The Court: I overrule that.

A. I believe I have already answered that question and said I would know what I was briefed by the investigators. Whether that was all the information in the committee's files, I wouldn't know, because I don't know what is in the mind of the investigator.

By Mr. Sachs:

Q. And you still wouldn't know today if at that time you had all the information in the committee's files, would you?

A. No, I wouldn't know.

141 Q. ———about these people?

A. I wouldn't know any differently today, no.

\* \* \* \* \*

148 Mr. Sachs: Will you mark this Defendant's 1, for identification.)

(Subpoena was marked as Defendant's Exhibit 1 for identification.

Mr. Sachs: And this as Defendant's 2 for identification.

(Telegram was marked as Defendant's Exhibit 2 for identification.)

The Deputy Clerk: Marked Defendant's Exhibits Numbers 1 and 2 for identification.

By Mr. Sachs:

Q. I show you Defendant's 1 for identification and ask you if you can, if you know what it is, if you can identify it.

A. It looks like a subpoena of the House Committee on

Un-American Activities, summoning John Watkins.

149 Q. I show you now Exhibit 2 for identification and ask you if you know what that is.

A. It looks like it was a telegram of postponement from Mr. Velde to Mr. Watkins, postponing the hearing from April 26th to the 29th.

\* \* \* \* \*

170 Mr. Rauh: The defendant respectfully moves to dismiss the complaint under Rule 21 or enter a judgment of acquittal under Rule 29, on the following grounds: one—and I may say, at the beginning of item one, that Judge Pine has already ruled on this matter unfavorably to us, but we feel that the matter should be presented to Your Honor.

\* \* \* \* \*

One: The indictment is void and illegal, in that more than eleven members of the grand jury which voted this indictment were biased and prejudiced against the defendant and unable to exercise an independent judgment, by reason of the fact that they, or close associates, including relatives, were employed by or were seeking employment with the United States or the District of Columbia Government; because of the seven years of operation of the loyalty and security programs, the said grand jurors feared the appearance of sympathetic association or any action which might be considered left-wing or Communist, to such  
171 an extent that they were prevented from casting their votes impartially, which fears amounted to an actual bias against the defendant.

The facts on which this motion are based are more fully set forth in the affidavit of myself, executed on January 10, 1955. This motion was denied by Judge Pine on February 7, 1955, but is renewed here in the belief that Your Honor might desire to hear argument thereon.

\* \* \* \* \*

192 Point number 11: Congressional committees must act "with the least possible power adequate to the

end proposed," citing Anderson against Dunn and Marshall against Gordon. I am not going to bore Your Honor with a repetition of yesterday's argument. You needn't fear on that score.

The Court: I enjoy it.

Mr. Rauh: Thank you, sir. I would just like to say here that we believe the point is applicable even without the proof that we sought and that Your Honor denied us in quashing the subpoena. But apart from that, we feel that on the Government's case, the matter has now been proven. Mr. Hitz conceded, indeed he vehemently proposed, in his written brief, that they had a truckload; in his oral statement yesterday, a truckload, maybe two, of information concerning Mr. Watkins and these people. This morning on the stand, Mr. Kunzig said that he didn't know what was in the committee's files.

It is perfectly clear that nobody sought, through this truckload or two truckloads of information which would take three analysts two weeks to put together—if it would take that long to put it together, heaven knows how long it would take to analyze it.

We say that you cannot call Mr. Watkins by compulsory process from Rock Island, Illinois, and put him before a committee, force him to answer questions, when that material may be—and all we have proved now is "may be," because we have not, our subpoena was denied—when that material may be in the files of the committee.

That committee, to act with the least possible power, must look first inside themselves and their files, and then take an American citizen and force him to come and make compulsory testimony.

Point number 12: If the questions were within the scope of the committee's authorizing resolution, the matter under inquiry and the questions asked are unconstitutional because in violation of the doctrine of separation of powers. This is our fundamental exposure argument. That, too, I shall not repeat after yesterday.

I would like to say just one point here on the Government's proof on this point. The Government apparently rests on the pertinency of the questions asked the



defendant, on their face. We say those questions on their face show something else, a purpose of exposure.

If they had asked the defendant Watkins, when he refused to say whether Harold Fisher was a member of the Communist Party,

“Didn’t you and he do something in that Party to help the Communist Party? Didn’t you and he do something to help the labor movement—to help the Communists inside the labor movement? Didn’t you and he try to affect the labor movement? Didn’t he and you try to do this or do that?”

it would have shown some indication of wanting information for operating purposes.

The questions on their face, if Your Honor please, show an interest only in listing people. Why, they made one question, and they put almost thirty people in one question. What they were trying to get was a list of Americans who had at one time been in the Communist Party.

We say that is not a legislative function. We shall, in our direct case, if this motion is denied, make much fuller proof on this exposure point. But insofar as the questions on their face are before Your Honor, we feel the  
195 matter has already been shown.

Point number 13 is really a continuation of Point number 12. If in fact this is an exposure purpose, if in fact it is an attempt to build lists, then it is also a bill of attainder in violation of Article I, Section 9 of the Constitution, and the Lovett case. I shall not, however, argue that, because it is really a reverse coin of the previous argument.

Point number 14 is the First Amendment argument. I am sure Your Honor is familiar with it. The point has never been passed on by the Supreme Court of the United States. The reason for avoiding it in the Rumely case is what brought that narrow construction. It was up again last Monday, when the Quinn and Emspak cases were up, and it is more than somewhat in this case.

However, I would be less than frank if I did not say that on this point, as distinguished from some of the others,

there are Court of Appeals decisions which hold against us.

Point number 15: If the questions asked are held to be within the scope of the committee's authorizing resolution, Section 192, read in the light of the Un-American Activities Committee's unlimited authority, is too vague and indefinite for a criminal statute, and in violation of the Fifth and Sixth Amendments.

This is the Cohen Grocery case and the Lanzetta 196 case with which Your Honor is familiar.

We would like to point out here that the committee's actions accentuated rather than minimized the vagueness and indefiniteness. You hear the testimony. There was no written direction to the committee, setting up any question—to the subcommittee, setting up any question under inquiry. The subcommittee really failed to state anything that could be called a question under inquiry. It made a vague reference to Chicago, and in Chicago, if Your Honor will look at it, you will see that there was nothing there that could be definite enough to know what was pertinent.

\* \* \* \* \*  
263 The Court: \* \* \* I think that disposes of the major items that you raised and I will deny both motions of the defendant.

\* \* \* \* \*  
265 Mr. Sachs: May it please the Court, at this time the defense will commence the presentation of its case, its motions having been overruled, and we offer into evidence a subpoena served on the defendant which has been marked for identification Defendant's Exhibit No. 1.

We understand that the Government stipulates with us that this is the original subpoena which was served on the defendant.

266

\* \* \* \* \*  
Mr. Hitz: Right.

The Court: I will receive it.

The Deputy Clerk: No. 1 in evidence.

(The document marked Defendant's Exhibit No. 1 for identification was received in evidence.)

267 Mr. Sachs: This is called, "Original."

"By authority of the House of Representatives of the Congress of the United States of America.

"To the United States Marshal, Dubuque, Iowa.

"You are hereby commanded to summon John T. Watkins to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Hon. Harold H. Velde is chairman, in their chamber in the city of Washington, Room 225-A, Old House Office Building, on Monday, April 26, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

"Herein fail not, and make return of this summons.

"Witness my hand and the seal of the House of Representatives of the United States, at the City of Washington, this 6th day of April, 1954.

Harold H. Velde, Chairman.

"Attest: Lyle O. Snader."

We next want to state to the Court that Mr. Hitz and we have stipulated that our Exhibit No. 2, which has been identified, is the telegram which was sent to and received by John T. Watkins pursuant to a request for continuance of the hearing. We would like this to be put in evidence on the same point.

268 Mr. Hitz: We do not object in view of the Court's ruling on the other matter.

The Deputy Clerk: Defendant's No. 2 in evidence.

(The document marked Defendant's Exhibit No. 2 for identification was received in evidence.)

Mr. Sachs: The body of this subpoena, if Your Honor please, says:

"Under continuing authority of subpoena served upon you April 13, 1954, your appearance before the Committee on Un-American Activities is hereby post-

poned from April 26 to Thursday, April 29, 1954,  
10:30 a. m.

\* \* \* \* \*

271 Mr. Rauh: May it please the Court, the first item we have is in the nature of an offer of proof.

On May 16 the defense served subpoenas on the clerk of the House of Representatives and the clerk of the Committee on Un-American Activities of the House requesting the information in the files of the committee on defendant, on each of the persons about whom the defendant was asked and declined to answer.

The Government moved to quash the subpoenas, and Your Honor has granted that motion as well as denying defendant's request that the Court rule that the documents specified in the subpoenas issued in this case are evident and material to defendant's case and to request the House to permit the requesting and copying of these documents.

Defendant moved to dismiss the indictment on the grounds of failure to obtain this information, depriving him of the right to make a full defense guaranteed by the Fifth and Sixth Amendments of the Constitution, and Your Honor denied that motion.

We would now as part of defendant's case like Your Honor to reconsider the rulings on these three motions as a part of our case. I do that prior to making our offer of proof of what we would have shown.

The Court: I deny the motion.

Mr. Rauh: We would like at this time to make an offer of proof of what we would have shown through the material covered by the subpoenas.

We would have shown and now offer to show through the subpoenaed material that the committee had in its files all the information which it sought to elicit from the defendant about him and each of the other thirty individuals referred to and, in fact, a great deal more such information.

Having shown that the committee had all the information in its files which it sought to elicit from defendant it would follow that the committee had no legislative purpose in its questions to defendant but rather had the sole purpose of harassing defendant and exposing him to the contempt of his

labor associates by forcing him to inform on past associates and exposing to public contempt through the mouth of the defendant the persons about whom he was questioned.

Furthermore, the same proofs that the committee had in its files, all the information which it sought to elicit from defendant, would have demonstrated that the committee was not acting with the least possible power, as required by the Supreme Court of the United States, but was in fact seeking to compel testimony from the defendant 273 which it had already obtained from other sources.

If Your Honor please, by the same token as your rulings on those motions, it would appear to be your view that the information which the committee had about these thirty people which was public would also not be relevant because if it is not relevant, what they had privately and what we don't know about, I presume it is Your Honor's view that what they had publicly and we do know about is also irrelevant.

The Court: That is right.

Mr. Rauh: Therefore, in order to avoid burdening Your Honor with reading the material we would now like to make an offer of proof as part of what we would have shown through the subpoenas of the material that is public, because obviously they would have included both the public and the private material.

Therefore, instead of bothering to read this material we have gotten together out of their reports and hearings, we would simply like to offer this as an exhibit to be treated as our offer of proof.

The Court: Any objection, Mr. Hitz?

Mr. Hitz: Yes, I do object on the same grounds.

The Court: Objection sustained.

Mr. Rauh: We now proffer this as an offer of proof. I would suggest for simplicity's sake we mark it as an exhibit rather than typing it all into the record.

274 Mr. Hitz: I think so. Is it hearings or reports, or both? Could you characterize it?

Mr. Rauh: This is both hearings and reports and contains the public information we were able to find on the thirty individuals.

\* \* \* \* \*

The Court: \* \* \* Mark it for identification No. 4 but not as received.

275 (The documents referred to were marked for identification as Defendant's Exhibit No. 4.)

\* \* \* \* \*

Mr. Rauh: May it please the Court, we have prepared a great deal of information going to the question that the House Un-American Activities Committee asserted a two-fold purpose and power, one dealing with legislation and one dealing with exposure.

We do not assert and never have—and I want to disassociate myself from any defendants that Mr. Hitz keeps associating us with—taken the position that the House committee always went beyond its authority and has no legislative pertinency.

The material that we have collected is excerpts from House committee reports, House committee hearings, Congressional Record statements and newspapers, going to the point that the House committee asserts an independent power all apart from legislation to expose persons to public knowledge.

Now, Mr. Hitz has stipulated with us as to the fact that the materials we have collected were in fact stated by  
276 the committee, by the committee members, either in hearings, in reports, on the Congressional floor, or in newspapers. However, he has not stipulated with us as to the materiality or relevance of this material, and since it is very bulky I suppose before I read this entire material to Your Honor we had better have a ruling on the relevancy.

It is offered, if Your Honor please, and our belief is that we are entitled to show in this particular case there was a purpose of exposure rather than of legislation; and as relevant to proof of exposure here we offer detailed information of the assertion by the committee of a power of exposure independent of legislation.

It is that material as to which we have entered into a written stipulation as to its authenticity, and if Mr. Hitz would now care to be heard on the question of whether I should be allowed to read this then we can get to it.

Since this has been a major matter and Your Honor knows our views thoroughly on the point of the exposure, I just rest and say that I would like to read this material to the Court.

Mr. Hitz: We object to its admissibility because we say it is not material to any issue in the case, whether it be the Government's or the defense's case.

As to whether or not Mr. Rauh desires to read it, having made it as an offer of proof on a subject matter on 277 which I think the Court has already ruled adversely to him is entirely up to Mr. Rauh. Personally, I think it ought not to be read.

The Court: You don't want to read it unless I am going to admit it.

Mr. Rauh: Not if you rule it is irrelevant. I felt that the previous rulings quite went to the point that we did not have a right to prove exposure.

The Court: I don't think proving statements made by committee members that they asserted the right to prove exposure tends to prove exposure in this case.

Mr. Rauh: To make it clear to Your Honor what these statements are, there are some by the committees themselves not just members, but some by members.

The Court: Do any of them relate to the Watkins case?

Mr. Rauh: No, sir.

The Court: I will sustain the objection.

Mr. Rauh: At this time, if Your Honor please, we would like to, in the least painful method possible, make a second offer of the material.

We have a stipulation, if Your Honor please, with Mr. Hitz, as to the nature of the documents. The documents are of four types.

The first are the documents listed in Schedule A which have been initialed by counsel for both parties. They are the official publications of the committee, true and 278 accurate transcriptions of the hearings and reports, and we are offering only the marked parts of these documents. The marked parts have been shown to Mr. Hitz and he is aware of them.

I will put the whole exhibit together and then we can mark them all together when I finish describing these.

The Court: Is it your thought that they should be handled the same way that the other exhibit was handled?

Mr. Rauh: Precisely.

The Court: Treat it as an exhibit for identification but not received in evidence, the record to show that it was an offer of proof.

Mr. Sachs: I was worried until you said it would be treated as an offer of proof. That satisfies us.

Mr. Hitz: Will this bear additional defense exhibit numbers?

Mr. Rauh: Mrs. Zarky, who has handled most of these papers, feels that for future use possibly it would be easier for everybody if we made the stipulation an exhibit number and then each of the four schedules.

The Court: A separate number?

Mr. Rauh: A separate number.

Mr. Hitz: Do you plan to offer the stipulation in evidence?

Mr. Rauh: I do.

Mr. Hitz: It is my suggestion that you give that a  
279 separate number, and to that I will not object. I think that should go in evidence. I think the documents under it I will object to. I think that will make a better record, perhaps.

Mr. Rauh: I would like to offer, then, a stipulation between Mr. Hitz and Mr. Sachs as our exhibit, No. 5, I believe it is.

(The document referred to was marked for identification as Defendant's Exhibit No. 5.)

Mr. Hitz: We do not object to the stipulation.

The Court: It will be received.

(The document marked as Defendant's Exhibit No. 5 for identification was received in evidence.)

Mr. Rauh: As exhibit for identification No. 6 I will offer the Schedule A referred to in the stipulation, each of the documents referred to in Schedule A to be numbered consecutively 6-A, B, C, and so on.

The Court: Alphabetically?

Mr. Rauh: Yes, 6-A, B, C, and D, until the end.



(The documents referred to were marked for identification as Defendant's Exhibits 6 and 6-A to 6-O, inclusive.)

Mr. Rauh: Our offer of proof here is not the entire documents but the marked portions of them, which have been made available and shown to Mr. Hitz.

Mr. Hitz: Your Honor, I have seen what is now Defendant's Exhibit 6, with letters, and we object to it as  
280 being immaterial to any proper issue of the case.

The Court: Objection sustained.

Mr. Hitz: That will read Defendant's Exhibit 6, plus letters, for identification, to be understood as an offer of proof. Is that the way the record should read?

Mr. Rauh: That is my understanding.

We offer as Defendant's Exhibit 7 the excerpts from the documents included in Schedule B of the stipulation which is Exhibit 5 in evidence, which contains material which we were unable to get a sufficient number of copies to treat it in the same way as Exhibit No. 6. So this will become Exhibit No. 7 for identification, objected to by the Government, and offered as proof by the defense.

The Deputy Clerk: Marked Defendant's Exhibit No. 7 for identification.

(The document referred to was marked as Defendant's Exhibit No. 7 for identification.)

The Court: The objection is sustained.

Mr. Rauh: Exhibit No. 8, material referred to in Schedule C of Exhibit No. 5, contains statements on the floor of Congress, of course by Congressmen, concerning the purpose of the committee. It is offered as Exhibit No. 8 for identification.

The Deputy Clerk: Defendant's No. 8 for identification.

281 (The document referred to was marked for identification as Defendant's Exhibit No. 8.)

Mr. Rauh: I take it the exhibit is objected to, and then it is offered as an offer of proof.

The Court: Do you object?

Mr. Hitz: I do object to it.

The Court: Objection sustained.

Mr. Rauh: Exhibit No. 9, and our final exhibit, if Your Honor please, is the material referred to in Schedule D of Exhibit 5, press statements of members of the committee, and it is offered as Exhibit No. 9 for identification.

The Deputy Clerk: Defendant's Exhibit No. 9 for identification.

(The document referred to was marked for identification as Defendant's Exhibit No. 9.)

Mr. Rauh: I presume it is objected to, and then it is offered as proof.

Mr. Hitz: I do object.

The Court: Objection sustained.

\* \* \* \* \*

285 Mr. Rauh: Since we did not offer any substantial amount of evidence and since we did have a substantial amount of evidence included in these points, we would simply like to renew our motions of yesterday.

The Court: It seems to me that under the authorities the Court is bound to hold the defendant guilty—under my view of the authorities, I will put it that way—and I do so find.

\* \* \* \* \*

Govt. EXHIBIT No. 1

Filed July 18, 1955. Harry M. Hull, Clerk

H. Res. 2

In the House of Representatives, U. S.:

January 3, 1953.

*Resolved*, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled; that Joseph W. Martin, Junior, a Representative from the State of Massachusetts, has been elected Speaker; and Lyle O. Snader, a citizen of the State of Illi-

nois, Clerk of the House of Representatives, of the Eighty-third Congress.

Attest:

LYLE O. SNADER,  
*Clerk.*

GOVT. EXHIBIT No. 2

Filed July 18, 1955. Harry M. Hull, Clerk

Lyle O. Snader,  
Clerk

Office of the Clerk

House of Representatives

Washington, D. C.

I, Lyle O. Snader, Clerk of the House of Representatives, do hereby certify that the following Members constitute the Committee on Un-American Activities of the House of Representatives as is evidenced in the Journal of the House of Representatives of January 19, 1953: Harold H. Velde, Chairman, of Illinois, Bernard W. (Pat) Kearney, of New York, Donald L. Jackson, of California, Kit Clardy, of Michigan, Gordon H. Scherer, of Ohio, Francis E. Walter, of Pennsylvania, Morgan M. Moulder, of Missouri, Clyde Doyle, of California, and James B. Frazier, Jr., of Tennessee.

In witness whereof I hereunto affix my name and the seal of the House of Representatives, in the City of Washington, District of Columbia, this eleventh day of May anno Domini one thousand nine hundred and fifty-four.

LYLE O. SNADER,  
*Clerk of the House of Representatives.*

GOVT. EXHIBIT No. 3

Filed July 18, 1955. Harry M. Hull, Clerk

Lyle O. Snader  
Clerk

Office of the Clerk  
House of Representatives  
Washington, D. C.

I, Lyle O. Snader, Clerk of the House of Representatives, do hereby certify that the attached is a true and correct copy of House Report 1579 of the Eighty-third Congress, second session, as submitted to the House of Representatives May 11, 1954, by Mr. Velde, of Illinois, from the Committee on Un-American Activities and noted in the Journal of the House of Representatives of May 11, 1954, Eighty-third Congress, second session.

In witness whereof I hereunto affix my name and the seal of the House of Representatives in the City of Washington, District of Columbia, this eleventh day of May anno Domini one thousand nine hundred and fifty-four.

LYLE O. SNADER,  
*Clerk of the House of Representatives.*

Filed July 18, 1955. Harry M. Hull, Clerk

PROCEEDINGS AGAINST JOHN T. WATKINS

MAY 11, 1954.—Ordered to be printed

Mr. VELDE, of Illinois, from the Committee on Un-American Activities, submitted the following

REPORT

Citing John T. Watkins

\* \* \* \* \*

9        Because of the foregoing, the said Committee on Un-American Activities was deprived of answers to pertinent questions propounded to said John T. Watkins, relative to the subject matter which, under Public Law 601, section 121, subsection (q) (2) of the 79th Congress, and under House Resolution 5 of the 83d Congress, the said committee was instructed to investigate, and the refusal of the witness to answer questions, namely:

Do you know Harold Fisher to be a member of the Communist Party?

Did you know Charles Hobbe to be a member of the Communist Party?

Did you know Henry Mack to be a member of the Communist Party?

Do you know Ernest DeMaio to be a member of the Communist Party?

Do you know him [Ernest DeMaio]<sup>1</sup> to have ever been a member of the Communist Party?

Did you know Charles Killinger to be a member of the Communist Party?

Mr. Watkins, I am going to read a list of names to you. I will read it slowly—and I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party: Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber; Frank Rogers; Arthur Saunders; Seymour Siporin; Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson. Do you know any of those names I just read to you to have been members of the Communist Party?

which questions were pertinent to the subject under inquiry, is a violation of the subpoena under which the witness had previously appeared, and his refusal to answer the aforesaid questions deprived your committee of necessary and pertinent testimony, and places the said witness in contempt of the House of Representatives of the United States.

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<sup>1</sup> Words inside brackets added for clarity.

GOVT. EXHIBIT No. 4

Filed July 18, 1955. Harry M. Hull, Clerk

H. Res. 534

In the House of Representatives, U. S.:

May 11, 1955.

*Resolved*, That the Speaker of the House of Representatives certify the report of the Committee on Un-American Activities of the House of Representatives as to the refusal of John T. Watkins to answer questions before the said Committee on Un-American Activities, together with all of the facts in connection therewith, under seal of the House of Representatives, to the United States Attorney for the District of Columbia, to the end that the said John T. Watkins may be proceeded against in the manner and form provided by law.

Attest:

LYLE O. SNADER,  
*Clerk.*

GOVT. EXHIBIT No. 5

Filed July 18, 1955. Harry M. Hull, Clerk

Joseph W. Martin, Jr.  
14th Dist., Massachusetts

The Speaker's Rooms

House of Representatives

Washington, D. C.

The United States Attorney,  
District of Columbia.

The undersigned, the Speaker of the House of Representatives of the United States, pursuant to House Resolution 534, Eighty-third Congress, hereby certifies to you the refusal of John T. Watkins to answer questions before

the Committee on Un-American Activities of the House of Representatives authorized by Public Law 601, Seventy-ninth Congress, and House Resolution 5 of the Eighty-third Congress, as is fully shown by the certified copy of the report (House Report 1579) of said committee which is hereto attached.

Witness my hand and the seal of the House of Representatives of the United States, at the City of Washington, District of Columbia, this twelfth day of May 1954.

JOSEPH W. MARTIN, JR.,  
*Speaker of the House of Representatives.*

Attest:

LYLE O. SNADER,  
*Clerk of the House of Representatives.*

Gov'T. EXHIBIT No. 6

INVESTIGATION OF COMMUNIST ACTIVITIES IN  
THE CHICAGO AREA—PART 3

Filed July 18, 1955, Harry M. Hull, Clerk

Cr. 1153-54—U.S. v. Watkins

HEARING BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVI-  
TIES, HOUSE OF REPRESENTATIVES

Eighty-Third Congress

Second Session

April 29, 1954

Printed for the use of the Committee on Un-American  
Activities

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[4265] INVESTIGATION OF COMMUNIST ACTIVI-  
TIES IN THE CHICAGO AREA—PART 3

Thursday, April 29, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,  
 SUBCOMMITTEE OF THE COMMITTEE  
 ON UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

Public Hearing

\* \* \* \* \*

Mr. Velde: The Committee will be in order.

Let the record show that I have appointed as a subcommittee for the purposes of this hearing Mr. Scherer, Mr. Moulder, Mr. Frazier, and myself as chairman.

The hearing this morning is a continuation of the hearings which were held in Chicago recently by a subcommittee composed of Mr. Scherer, Mr. Moulder, and myself. At that time two witnesses were unavailable, at least the committee staff were unable to find these two witnesses to issue a subpoena for them. Subsequent to that time I believe that these witnesses have been subpoenaed, so we will proceed, Mr. Counsel, at the present time with the witnesses.

Mr. Kunzig: John T. Watkins. Will you step forward, please.

Mr. Velde: In the testimony you are about to give before this subcommittee do you solemnly swear you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Watkins: I do.

Mr. Velde: Be seated.

Testimony of John T. Watkins, Accompanied by His Counsel, Joseph L. Rauh, Jr., and Daniel H. Pollitt

Mr. Kunzig: Would you give your full name, please, sir?

Mr. Watkins: John T. Watkins.

Mr. Kunzig: I see that you are accompanied by counsel. Would counsel please state his name and office address for the record.

Mr. Rauh: My name is Joseph L. Rauh, R-a-u-h, Jr., 1631 K Street, and with me is Mr. Daniel H. Pollitt,



4266 P-o-l-l-i-t-t, of 1631 K Street. We are Washington counsel for the United Automobile Workers, CIO.

Mr. Kunzig: Are you also counsel here this morning for Mr. Watkins?

Mr. Rauh: In our capacity as counsel we are representing Mr. Watkins.

Mr. Kunzig: Would you give your address please, Mr. Watkins?

Mr. Watkins: 1244-22nd Avenue, Rock Island, Ill.

Mr. Kunzig: Rock Island, Ill.

Mr. Watkins: Yes, sir.

Mr. Kunzig: Would you give the committee a brief résumé of your educational background?

Mr. Watkins: My educational background was the eighth grade.

Mr. Kunzig: And where was that?

Mr. Watkins: Mount Sterling, Iowa.

Mr. Kunzig: Mount Sterling, Iowa?

Mr. Watkins: Right.

Mr. Kunzig: Now, would you give the committee a résumé of your employment background?

Mr. Watkins: My first job for salary was a part-time job as janitor of the school at the age of 10, for which I received \$3 per month.

At 13 I was employed in farm work. Following that I was employed in a thread factory in Elgin, Ill.; later by the Illinois Watch Case Co. in Elgin, Ill.

Following that, approximately 1925, I was employed in farm work in the vicinity of Stronghurst, Ill., in which I spent several years.

Following that I was employed in construction work building hard roads, pipelines, and later, during the depression years of 1932, 1933, and 1934, I was employed in building a railroad for the Rock Island Railroad Co. around Trenton, Mo.

Following that I was employed on WPA, I believe it was, construction work, in the construction of locks at Burlington, Iowa.

I was later employed by International Harvester Co. at the Farm-All Works, and again later in construction

work in Muscatine, Iowa, on the Mississippi River, and leaving there, I went to work at the East Moline Works of the International Harvester Co. in East Moline, Ill.

I believe I did forget that in 1929 I also had worked a brief period for the John Deere Co., John Deere Plow Works, and for a few months for the International Harvester Co. as a service repairman in East Moline and Minneapolis, Minn.

Since the latter part of 1935 or the first part of 1936 my employment with the Harvester Co. continued until August of 1953. However, since 1942 I have been on leave from that job under the labor union contract and was employed by the Farm Equipment FE-CIO International Union, later by the UE, known as United Electrical, Radio and Machine Workers, and at the present time by the UAW-CIO, International Union.

Mr. Velde: Was your employment with UE following the merger with FE?

Mr. Watkins: That is correct.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Watkins: I understood the question to say UE. Your question was in regard to UE, was it not?

Mr. Velde: Yes.

4267 Mr. Watkins: I had worked for FE-CIO prior to my employment with UE, but in 1949 I was employed by UE, in the latter part of 1949.

Mr. Velde: That was after they had merged with FE, however?

Mr. Watkins: That is right.

Mr. Velde: That is what my question was.

Mr. Kunzig: When did you leave the UE employment?

Mr. Watkins: In August 1953.

Mr. Kunzig: And when did you go with the United Auto Workers?

Mr. Watkins: In August 1953.

Mr. Kunzig: And you are presently with United Auto Workers?

Mr. Watkins: That is right:

Mr. Kunzig: Now, Mr. Watkins, on September 3, 1952, at hearings before this committee one Donald O. Spencer testified as follows:

Question: During the period that you were a member of the Farm Equipment Workers did you become a member of the Communist Party?

Mr. Spencer: Yes, sir.

Q. When did you become a member?

Mr. Spencer: In 1943, in October.

Question: How long did you remain a member of the Communist Party?

Mr. Spencer: Well, my dues were paid until the 1st of January 1946.

Question: Who recruited you into the Communist Party?

Mr. Spencer: Walter Rumsey, R-u-m-s-e-y encouraged me into the party with the endorsement and full knowledge of John Watkins.

Question: Is that John Watkins?

Mr. Spencer: Yes, sir. He was district vice president of the FE at that time.

Did you know Donald O. Spencer?

Mr. Watkins: I did.

Mr. Kunzig: Were you ever a member of the Communist Party?

Mr. Watkins: No.

Mr. Kunzig: Are you now a member of the Communist Party?

Mr. Watkins: No.

Mr. Kunzig: Did you have anything to do with recruiting into the Communist Party Mr. Spencer?

Mr. Watkins: I did not.

Mr. Kunzig: Did you ever recruit anybody into the Communist Party?

Mr. Watkins: I have not.

Mr. Kunzig: I will go on with the testimony.

Mr. Spencer: John Watkins, he approved my recruitment before I was admitted.

I will ask you now, did you approve the recruitment of Spencer before he was admitted to the Communist Party?

Mr. Watkins: Read your question again.

Mr. Kunzig: Mr. Spencer's testimony was that "John Watkins approved my recruitment before I was admitted."

My question to you is: Did you ever approve the recruitment of Spencer to the Communist Party before he was admitted?

Mr. Watkins: No, sir.

Mr. Kunzig: Now, the question was asked:

Mr. Spencer, did you ever attend meetings in the home of John Watkins, Communist Party meetings?

And Spencer said: "No."

Question: Were you acquainted with Catherine Hall, wife of John Watkins?

4268 Spencer: Yes, she wasn't the wife of John Watkins at that time, though. She was working in the office, the district office of FE-CIO in Rock Island at that time.

Question: Was she a member of the Communist Party?

Mr. Spencer: Well, she attended the meetings, and I never saw her card but she would have had to have been or she couldn't attend the meetings.

Now, Mr. Spencer goes on:

Well, this was a very small meeting, and I was called in there and told to report to the Sherman Hotel, and when I got there at the desk I was told to go up to a room on the eighth floor. I went up there and there were only three people present at that meeting and it was Kate Hall, John Watkins, and Jerry Fielde.

Did you ever attend any meeting in the Sherman Hotel with Kate Hall and Jerry Fielde?

Mr. Watkins: I have. I would like to make a brief statement possibly in regard to——

Mr. Kunzig: In regard to this meeting?

Mr. Watkins: Yes.

Mr. Kunzig: All right.

Mr. Watkins: I am not now nor have I ever been a card-carrying member of the Communist Party. Rumsey was wrong when he said I had recruited him into the party, that I had received his dues, that I paid dues to him, and that I had used the alias Sam Brown.

Spencer was wrong when he termed any meetings which I attended as closed Communist Party meetings.

I would like to make it clear that for a period of time from approximately 1942 to 1947 I cooperated with the Communist Party and participated in Communist activities to such a degree that some persons may honestly believe that I was a member of the party.

I have made contributions upon occasions to Communist causes. I have signed petitions for Communist causes. I attended caucuses at an FE convention at which Communist Party officials were present.

Since I freely cooperated with the Communist Party I have no motive for making the distinction between cooperation and membership except the simple fact that it is the truth. I never carried a Communist Party card. I never accepted discipline and indeed on several occasions I opposed their position.

In a special convention held in the summer of 1947 I led the fight for compliance with the Taft-Hartley Act by the FE-CIO International Union. This fight became so bitter that it ended any possibility of future cooperation.

Mr. Kunzig: What was the date you say you stopped cooperating with the Communist Party?

Mr. Watkins: I say prior to the convention, 1947. I do not have the date.

Mr. Kunzig: When would you say this cooperation with the Communist Party started?

Mr. Watkins: I could not give you a date.

Mr. Kunzig: Estimate a date, to the best of your ability.

Mr. Watkins: I said approximately 1942 to 1947.

Mr. Kunzig: Approximately from 1942 to 1947, to use your own words, you cooperated with the Communist Party; is that correct?

Mr. Watkins: Yes; that is in my statement.

Mr. Moulder: Mr. Chairman.

Mr. Velde: Mr. Moulder.

4269 Mr. Moulder: To what extent or in what manner did you cooperate, did you attend meetings of the leadership of the Communist Party or was your cooperation with some of the movements that they were undertaking in cooperation with labor at that time?

Mr. Watkins: Well, the cooperation as I referred to in my statement was had by contributions; I had been present at meetings, caucuses, I referred to; and that is what I mean by cooperation.

Mr. Moulder: Did you participate in any political meetings where only Communists were involved?

Mr. Watkins: Only Communists were involved? Not to my knowledge. I have attended, in my work in the labor union, thousands of meetings, sometimes as many as four a day, and to answer about any specific meeting it would necessarily have to be pinpointed to some recollection.

Mr. Moulder: Well, did you consider yourself as actually affiliating yourself with the Communist cause or the philosophy of the Communist Party movement during that period of time, or were you using the Communist Party in your work as a labor leader, that is the point I was trying to make clear a moment ago. I was trying to distinguish. We do distinguish between those activities.

Mr. Watkins: Well, I would say that on occasions there was no difference in opinion on a position, which I might have felt the Communists were also in support of that position, and I did not oppose it, but where I felt that their position differed with mine I did oppose.

Mr. Moulder: Well, when you did agree it was in connection with your interest in labor, or was it because of your support of the Communist Party? That is the point I am trying to make clear.

Mr. Watkins: It was because I felt it was in the interest of our membership and within the labor policies of the union and within the CIO.

Mr. Moulder: I see. That is all.

Mr. Velde: About how much did you contribute to the Communist Party?

Mr. Watkins: I could not give any specific figures. I do recall one particular instance where I signed a petition

at a convention in Springfield, I believe it was, and gave a contribution. I don't recall whether it was a dollar, \$2. I think the petition was a petition to free Earl Browder. I don't even know who was circulating it.

Mr. Velde: Proceed, Mr. Counsel.

Mr. Kunzig: Do you feel that Spencer and Rumsey—we will come to Rumsey in a minute, but you have already mentioned his name—had any legitimate reason for believing you to be a member of the Communist Party?

Mr. Watkins: None other than what I have stated in my statement.

Mr. Kunzig: Now, Mr. Rumsey testified before this committee on March 10, in public session, 1954, in Chicago, Ill., and he was asked:

Who recruited you into the Communist Party, Mr. Rumsey?

and his answer was:

John T. Watkins. He was then district president of the FE-CIO.

So I want to specifically ask you, did you recruit Mr. Rumsey into the Communist Party, Mr. Watkins?

Mr. Watkins: I did not.

4270 Mr. Kunzig: So you are specifically and unequivocally denying this statement made by Mr. Rumsey?

Mr. Watkins: I am.

Mr. Scherer: Pardon me just a minute.

Mr. Velde: All right. Proceed, Mr. Scherer.

Mr. Scherer: Can you give us any reason why Mr. Rumsey should have so testified before this committee under oath?

Mr. Watkins: I will give my personal reason, yes.

Mr. Scherer: We would like to know if there was any bias or prejudice.

Mr. Watkins: Mr. Rumsey—I was district president, as I have stated, of the FE-CIO District No. 2. That district was made up of a geographical area around the Quad Cities, including Canton, Dubuque and Rock Falls. Rumsey worked on my staff in the latter part of 1943 and the first part of 1944, at which time I released him from the staff and he went back into the shop to work.

Prior to the time I released him he had not been on very friendly terms with me, and after his release I had a lot of trouble with Rumsey.

Mr. Scherer: Then you say that in your opinion his testimony is based on personal ill-will toward you as a result of these controversies that you have just described?

Mr. Watkins: I think that was a great part of it, yes.

Mr. Scherer: Do you know of any other motive on the part of Rumsey that would have caused him to testify as he did?

Mr. Watkins: Well, I had also later removed him from the union, expelled him from the union through the procedures of the international constitution, as likewise I had Spencer.

Mr. Scherer: Did you know Rumsey was a member of the Communist Party?

Mr. Watkins: I knew he carried on pretty open activity in behalf of the Communist Party, and I have read his testimony where he testified he was a member of the party.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Scherer: Before you read his testimony did you know that he was a member of the Communist Party?

Mr. Watkins: In 1949 he circulated an affidavit signed by himself and Spencer, something to the effect that he had been a member of the Communist Party, had left the party, and that he had been told by another party that I had been a member of the Communist Party under the name of Sam Brown. That affidavit signed by Rumsey and Spencer was distributed to the workers of John Deere Plow Works and to other workers in the Quad City area.

Mr. Spencer: Did you ever use the name of Brown?

Mr. Watkins: I never did; no, sir.

Mr. Scherer: Now, insofar as Spencer is concerned, what motive would he have in testifying the way he did, if you know?

Mr. Watkins: I wouldn't know, other than my own opinion would be his close association with Rumsey.

Mr. Scherer: Did he have any particular animosity toward you?



Mr. Watkins: Yes, I would say he did.

Mr. Scherer: What was the nature of that and the circumstances which gave rise to such animosity?

4271 Mr. Watkins: Well, he had been expelled from the union in the early part of—latter part of 1948 or the early part of 1949.

Mr. Scherer: Did you participate in that expulsion?

Mr. Watkins: Yes; I did.

Mr. Scherer: Why was he expelled from the union?

Mr. Watkins: He was leading a campaign for another labor organization.

Mr. Kunzig: What was the other labor organization?

Mr. Watkins: It was UAW-CIO.

Mr. Kunzig: This was before you went into the UAW, is that right?

Mr. Watkins: That is right.

Mr. Kunzig: I just wanted to get that clear.

Mr. Scherer: Did you know him to be a member of the party—Spencer?

Mr. Watkins: He testified he was. He signed the affidavit that I referred to saying he was, Spencer was.

Mr. Scherer: Did you of your own knowledge know he was prior to reading his affidavit or testimony?

Mr. Watkins: Not with any conclusive proof; no.

Mr. Scherer: Did you participate with him in any activity of the party?

Mr. Watkins: No.

Mr. Scherer: Did you participate with Rumsey in any activities of the party?

Mr. Watkins: No, sir.

Mr. Scherer: Your participation or association with the party as you have described it was entirely separate and apart from any activity on the part of Spencer and Rumsey in connection with the party?

Mr. Watkins: That is correct.

Mr. Velde: Let me ask you a question. You say here in your statement, and I think you read the statement into the record:

I cooperated with the Communist Party and participated in Communist Party activity to such a degree

that some persons may honestly believe I was a member of the party.

Now, with whom did you participate in the Communist Party in these activities if you didn't participate with Spencer and Rumsey?

Mr. Watkins: I have participated in meetings with Fred Fine, who was present; Gil Green was present—

Mr. Velde: As you go through these: Fred Fine, what was his capacity in the Communist Party?

Mr. Watkins: I do not know what his title was, but he was some representative of the party.

Mr. Velde: Well, how did you know him to be a member of the Communist Party?

Mr. Watkins: I met him at, as I recall, at the 1946 Milwaukee convention.

Mr. Velde: Of the Communist Party?

Mr. Watkins: No; of the FE-CIO Union.

Mr. Velde: Well, I am asking you how you knew he was a member of the Communist Party?

Mr. Watkins: Well, it was public knowledge that he was a member, and any time that the meeting that I referred to, in the caucuses, it was no secret that he was an official of some sort of the Communist Party.

Mr. Velde: All right. Will you proceed, then, with others that you have participated with in Communist Party activity?

Mr. Watkins: I have been in meetings where Bill Sentner has been present. I don't know of any meetings other than union meetings.

Mr. Moulder: Were they Communist Party meetings, that is what I want to know?

Mr. Watkins: No.

Mr. Kunzig: Excuse me. Is that Bill Sentner, S-e-n-t-n-e-r?

Mr. Watkins: I think so.

Mr. Moulder: Mr. Chairman.

Mr. Velde: All right. Mr. Moulder.

Mr. Moulder: When you refer to being in a meeting with these gentlemen that were known as Communists, were they Communist Party meetings?

Mr. Watkins: No, sir.

Mr. Velde: But you participated in Communist Party activity with them at these meetings, as I understand you to say in your statement here; is that right?

Mr. Watkins: Well, the Communist Party activities, according to the statement, is the activity the Communist Party was carrying on at such occasions, such as the convention which I have cited, and activities such as a petition they may have been circulating, or a contribution they may have been asking.

Mr. Velde: And that is contributions and petitions for the Communist Party cause, is that right?

Mr. Watkins: I assume they were; yes.

Mr. Scherer: Well, you mean these activities were in connection with the Communist Party's attempt to control the union activities?

Mr. Watkins: No; I couldn't say they were directed toward the union as such.

Mr. Scherer: Well, you know that that was the general program and policy of the party, to attempt to control the various unions, or some unions; you know that is true, don't you, witness?

Mr. Watkins: I think that is generally true; yes.

Mr. Scherer: These discussions that you had with these men you knew to be Communists at union meetings were in connection with their desire to control to some extent, at least, the union's policy and activities, were they not?

Mr. Watkins: I would say that is probably correct.

(At this point Mr. Watkins conferred with Mr. Rauh.)

Mr. Velde: Can we conveniently recess at this point, Mr. Counsel? We have a quorum call. I am sure the members want to get over there.

Mr. Kunzig: Yes; I think so.

Mr. Velde: The committee will be in recess for 20 minutes in order to enable the committee members to answer a quorum call.

(Whereupon, at 11:10 a.m., a recess was taken, the hearing to be reconvened at 11:30 a.m.)

(Thereupon, at 11:40 a.m., pursuant to the taking of the recess, the hearing was reconvened, the following committee members being present: Representatives Harold H. Velde, Gordon H. Scherer, and James B. Frazier, Jr. (appearance noted in transcript).)

Mr. Velde: The committee will be in order.

4273 Let the record show that I have appointed a new subcommittee consisting of Mr. Scherer, Mr. Moulder, and myself as chairman, and a quorum for this hearing is present, consisting of Mr. Scherer and the chairman.

Proceed, Mr. Counsel.

Mr. Kunzig: Mr. Chairman, may I state for the record that during the intermission Mr. Rauh, unfortunately, had to leave to catch a plane to another city to attend another case. He said his client would be represented, as was already stated in the record, by Mr. Pollitt. He was very sorry he had to leave.

Mr. Velde: All right. Proceed.

Mr. Kunzig: Now, I would like to ask you this, Mr. Watkins: Did you ever attend any Communist Party meetings?

Mr. Watkins: Not that I know as Communist Party meetings as such, no.

Mr. Kunzig: What do you mean by saying "Not that I know as Communist Party meetings as such"?

Mr. Watkins: Well, I will make one exception to that. I attended a meeting in Moline one time where the chairman of the party spoke. I believe it was Foster. It was a public meeting.

Mr. Kunzig: A public meeting?

Mr. Watkins: It was open to the public. Approximately 140 people were in attendance.

Mr. Kunzig: Was it an open Communist Party meeting?

Mr. Watkins: Well, it was advertised that Foster would speak.

Mr. Velde: Who did you say was the speaker, Foster?

Mr. Watkins: I don't know the first name, but it was Foster.

Mr. Velde: William Z. Foster. Was he at that time the head of the Communist Party of the United States?

Mr. Watkins: I don't recall. He was an official, I believe, of the party. The meeting was held at Swedish Olive Hall in Moline.

Mr. Kunzig: Did you ever attend any closed Communist Party meetings?

Mr. Watkins: No.

Mr. Kunzig: Did you ever attend any Communist Party meetings with Mr. Rumsey?

Mr. Watkins: No.

Mr. Kunzig: Did you ever attend any Communist Party meetings with Mr. Spencer?

Mr. Watkins: No.

Mr. Kunzig: Now, when Mr. Rumsey testified in Chicago, March 16, 1954, as follows:

Did you ever pay dues to Mr. Watkins?

The answer was "Yes."

Now, I ask you, Did Mr. Rumsey ever pay dues to you?

Mr. Watkins: He did not.

Mr. Kunzig: You unequivocally deny that he ever paid any dues to you?

Mr. Watkins: Communist Party dues, yes.

Mr. Kunzig: Did he ever pay any other type of dues to you?

Mr. Watkins: Not that I recall. He may possibly have paid union dues before the contract, but I don't recall it.

Mr. Scherer: Does the testimony taken in Chicago indicate that the witness specifically said they were Communist Party dues?

4274 Mr. Kunzig: Yes, Mr. Scherer.

I will read some more. The question was:

Now, how long did you belong to the Communist Party?

Mr. Rumsey: It would be in August 1944 when I left.

Mr. Kunzig: To whom did you pay dues in the party, Mr. Rumsey?

Mr. Rumsey: Well, it would be the various organizers; that is, district organizers.

Mr. Kunzig: Did you ever pay dues to Mr. Watkins?

Mr. Rumsey: Yes.

Mr. Kunzig: Was this at the beginning?

Mr. Rumsey: At the start.

Mr. Kunzig: Do you recall how much dues you paid?

Mr. Rumsey: It was on the percentage. It was pro-rated percentagewise.

Now you are saying very definitely that no dues were paid to you by Mr. Rumsey?

Mr. Watkins: I said very definitely they were not.

Mr. Kunzig: Now, I asked this question of Mr. Rumsey:

Did you collect dues from people in the Communist Party?

and he went on and testified yes, that he collected dues, and so forth, and I said:

In the case of Watkins, did you collect dues from him under the name of Watkins or Sam Brown?

And he answered: "Sam Brown."

Now, my question to you is, Were dues ever collected from you by Mr. Rumsey?

Mr. Watkins: No, sir.

Mr. Velde: Now, specifically what kind of dues, Mr. Counsel?

Mr. Kunzig: Well, I will ask first about Communist Party dues.

Were Communist Party dues ever collected from you by Mr. Rumsey?

Mr. Watkins: No, sir.

Mr. Kunzig: Did you ever use the alias Sam Brown?

Mr. Watkins: Never.

Mr. Kunzig: Did you ever use any alias?

Mr. Watkins: No, sir.

Mr. Kunzig: You have been known always by the name John Watkins?

Mr. Watkins: John T. Watkins.

Mr. Kunzig: John T. Watkins?

Mr. Watkins: And John Watkins.

Mr. Kunzig: Now, I have here a list of names of people, all of whom were identified as Communist Party members by Mr. Rumsey during his recent testimony in Chicago. I

am asking you first whether you know these people. My first question: Warner Betterson?

Mr. Watkins: No, I don't know him.

Mr. Kunzig: Joan Steel?

Mr. Watkins: Not to my knowledge.

Mr. Kunzig: Peter Gustafson?

Mr. Watkins: I know a Gustafson, but I don't know a Peter Gustafson.

Mr. Kunzig: Donald O. Spencer, I already asked you about. You know Donald O. Spencer?

Mr. Watkins: Yes, sir.

Mr. Kunzig: Harold Fisher?

Mr. Watkins: Yes, sir.

4275 Mr. Kunzig: You know Harold Fisher?

Mr. Watkins: I do.

Mr. Kunzig: Do you know Harold Fisher to be a member of the Communist Party?

Mr. Watkins: I will ask counsel.

Mr. Kunzig: Certainly.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: Mr. Chairman, in regard to that question, I would like to make a very brief statement I prepared in anticipation of this answer.

Mr. Velde: You may proceed.

Mr. Watkins: Thank you.

I would like to get one thing perfectly clear, Mr. Chairman. I am not going to plead the fifth amendment, but I refuse to answer certain questions that I believe are outside the proper scope of your committee's activities. I will answer any questions which this committee puts to me about myself. I will also answer questions about those persons whom I knew to be members of the Communist Party and whom I believe still are. I will not, however, answer any questions with respect to others with whom I associated in the past. I do not believe that any law in this country requires me to testify about persons who may in the past have been Communist Party members or otherwise engaged in Communist Party activity but who to my best knowledge and belief have long since removed themselves from the Communist movement.

I do not believe that such questions are relevant to the work of this committee nor do I believe that this committee has the right to undertake the public exposure of persons because of their past activities. I may be wrong, and the committee may have this power, but until and unless a court of law so holds and directs me to answer, I most firmly refuse to discuss the political activities of my past associates.

Mr. Kunzig: And I want to get this clear for the record. You are not in any way raising the fifth amendment?

Mr. Watkins: I am not.

Mr. Kunzig: But you are refusing to answer the question I have just asked you?

Mr. Watkins: Based upon the statement just read, yes.

Mr. Kunzig: And you, of course, have advice of counsel. He is sitting right next to you at this moment and you just conferred with him, is that correct?

Mr. Watkins: That is correct.

Mr. Scherer: Mr. Chairman, I ask that you direct the witness to answer.

Mr. Velde: Yes. This committee is set up by the House of Representatives to investigate subversion and subversive propaganda and to report to the House of Representatives for the purpose of remedial legislation.

The House of Representatives has by a very clear majority, a very large majority, directed us to engage in that type of work, and so we do, as a committee of the House of Representatives, have the authority, the jurisdiction, to ask you concerning your activities in the Communist Party, concerning your knowledge of any other persons who are members of the Communist Party or who have been members of the Communist Party, and so, Mr. Watkins, you are directed to answer the question propounded to you by counsel.

Now, do you remember the question that was propounded to you?

Mr. Watkins: I remember the question, Mr. Chairman, and I have read my answer which, among other things, states that your committee may have this power, and I stand on my statement.



Mr. Velde: Proceed, Mr. Counsel.

Mr. Kunzig: Now, I am going down and ask you other names as I started to do a moment ago of people who were identified by Mr. Rumsey during his testimony in Chicago.

Do you know Charles——

Mr. Scherer: Wait a minute. Identified by Mr. Rumsey as members of the Communist Party?

Mr. Kunzig: That is correct. I stated as members of the Communist Party before. This, of course, was at the time Mr. Rumsey was a member of the Communist Party that he knew these people to be members with him.

Did you know Charles Hobbe?

Mr. Watkins: I do.

Mr. Kunzig: Did you know Charles Hobbe to be a member of the Communist Party?

Mr. Watkins: I stand on my statement.

Mr. Kunzig: In other words, you are refusing to answer that question?

Mr. Watkins: As set forth in the statement I just read.

Mr. Kunzig: I ask that the witness be directed to answer the question, Mr. Chairman.

Mr. Velde: Clearly you should in cooperation with the Congress of the United States answer that question, so you are directed to answer the question, Mr. Watkins.

Mr. Watkins: I am sorry, Mr. Chairman, but I stand on the statement which I entered into the record.

Mr. Kunzig: I want to make the record very clear, Mr. Chairman.

You are refusing to answer that question, is that correct?

Mr. Watkins: I believe I have answered the question——

Mr. Kunzig: No, the question is not answered at all, Mr. Chairman.

Mr. Watkins (continuing): With the statement, and I state that I stand on the statement that I have read.

Mr. Kunzig: His alleged answer makes it clear that his answer is a refusal, Mr. Chairman.

Do you know Henry Mack, M-a-c-k?

Mr. Watkins: I did know him, yes.

Mr. Kunzig: Did you know Henry Mack to be a member of the Communist Party?

Mr. Watkins: Again my answer, that I stand on the statement I read into the record.

Mr. Velde: Again, Mr. Watkins, you are directed to answer the question.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement.

Mr. Kunzig: Did you know an Ernest DeMaio?

Mr. Watkins: I know Ernest DeMaio, yes.

Mr. Kunzig: Do you know Ernest DeMaio to be a member of the Communist Party?

4277 Mr. Watkins: I stand on the statement that I read.

Mr. Velde: Do you know him to have ever been a member of the Communist Party?

Mr. Watkins: I stand on the statement, Mr. Chairman, that I read.

Mr. Velde: Again you are directed to answer that question concerning Mr. Ernest DeMaio.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement entered into the record.

Mr. Kunzig: I want to get this record clear, Mr. Chairman, because there were two questions there.

My question was: "Did you know Mr. Ernest DeMaio to be a member of the Communist Party?"

I wish him to be directed to answer that question.

Mr. Velde: All right. You are directed, then, Mr. Witness, to answer the question as to whether you know Mr. Ernest DeMaio to be a present member of the Communist Party of the United States.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: Mr. Chairman, again I stand on the statement which, among other things, states that I will also answer questions about those persons whom I knew to be members of the Communist Party and whom I believe still are.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: I will not, however, answer any question

with respect to others with whom I associated in the past. I stand on that statement, Mr. Chairman.

Mr. Kunzig: I am asking you the question whether you know Ernest DeMaio to be a member of the Communist Party, and you are refusing to answer, is that right?

Mr. Watkins: Based on the statement entered into the record.

Mr. Kunzig: Did you know Charles Killinger, K-i-l-l-i-n-g-e-r?

Mr. Watkins: I knew Charles Killinger.

Mr. Kunzig: Did you know Charles Killinger to be a member of the Communist Party?

Mr. Watkins: I again stand on the statement.

Mr. Kunzig: I respectfully request, Mr. Chairman, that the witness be directed to answer the question as to whether he knows Charles Killinger to be a member of the Communist Party.

Mr. Velde: Again you are directed to answer the question as to your knowledge of the Communist Party affiliation of Charles Killinger.

Mr. Watkins: Again, Mr. Chairman, I stand on the statement.

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Kunzig: Mr. Watkins, I am going to read a list of names to you. I will read it slowly—

(Representative Frazier entered the hearing room at this point.)

Mr. Kunzig: And I am going to ask you—these are all names identified as members of the Communist Party by Mr. Rumsey in his testimony in Chicago. I am going to read the list and ask you whether you ever knew any of these people to be members of the Communist Party:

Lee Landbaker; Morris Childs; Dorothy Hillyerd; Theo Kruse; Charles Lawson; Olaf Lidel, L-i-d-e-l; Sarah Levine; Murray Levine; Harriet Leuth, L-e-u-t-h; Herbert Marsh; Ajay Martin; Harold Metcalf; John Milkevitch; Grant Oakes; Joe Ruick, R-u-i-c-k, or alias Joe Webber; 4278 Frank Rogers; Arthur Saunders; Seymour Siporin;

Joseph Stern; George Teeple, T-e-e-p-l-e; Ray Teeple; Donald Tieglan, T-i-e-g-l-a-n; Rex Wielock; John Wilson; Marie Wilson; Mrs. John Wilson.

Do you know any of those names I just read to you to have been members of the Communist Party?

(At this point Mr. Watkins conferred with Mr. Pollitt.)

Mr. Watkins: In regard to the name Stern that you mentioned, I believe as Joe——

Mr. Kunzig: Joseph Stern, yes.

Mr. Watkins: I have knowledge that he carried on Communist Party activities in the Quad City area. I have not known him for several years, or his whereabouts, but at the time he was in the Quad Cities he was carrying on Communist Party activities.

In regard to the other names that you have read, I will not answer, based upon the statement that I read into the record previously referred to.

Mr. Kunzig: Mr. Chairman, I respectfully request that the witness be directed to answer that question.

Mr. Velde: Now, the question was as to whether the witness has knowledge of any of the names that you read, whether those persons whose names you read had been members of the Communist Party?

Mr. Kunzig: That is correct.

Mr. Velde: Yes, you are directed to answer that question, Mr. Watkins.

Mr. Watkins: And, Mr. Chairman, I refuse to answer, based upon the statement previously read into the record.

Mr. Kunzig: Mr. Chairman, I have no further questions of this witness.

Mr. Velde: Mr. Scherer?

Mr. Scherer: No questions.

Mr. Velde: Mr. Frazier?

Mr. Frazier: No questions.

Mr. Velde: It seems very clear to me that the witness has pertinent information concerning Communist Party activities which we are authorized and dutybound to investigate, and that the witness should in the spirit of cooperation with his Government answer those questions.

However, upon his refusal to answer those questions, there is nothing we can do at the present time to force the witness to answer those questions.

So unless there is anything further, the witness is dismissed and the committee will stand in recess until 2 o'clock.

\* \* \* \* \*

Govt. Exhibit No. 7

Filed July 18, 1955, Harry M. Hull, Clerk

CONGRESS OF THE UNITED STATES

House of Representatives

Committee on Un-American Activities

Washington

The Committee on Un-American Activities met in executive session January 22, 1953, in Room 226, Old House Office Building. The following members were present:

Harold H. Velde, Chairman  
Bernard W. Kearney  
Donald L. Jackson  
Kit Clardy  
Gordon H. Scherer  
Francis E. Walter  
Morgan M. Moulder  
Clyde Doyle  
James B. Frazier, Jr.

The following resolution was unanimously adopted:

BE IT RESOLVED, that the Chairman shall have authority from time to time to appoint subcommittees composed of one or more members of the Committee on Un-American Activities for the purpose of performing any and all acts which the Committee as a whole is authorized to do.

The Committee on Un-American Activities met in executive session March 3, 1954, in Room 225, Old House Office Building. The following members were present:

Harold H. Velde, Chairman  
Donald L. Jackson  
Gordon H. Scherer  
Francis E. Walter  
Clyde Doyle  
James B. Frazier, Jr.

The following resolution was unanimously adopted:

BE IT RESOLVED, that subcommittees of the Committee on Un-American Activities will consist of not less than three members, with at least a majority of the subcommittee present at the hearings for which they were appointed.

CONGRESS OF THE UNITED STATES

House of Representatives

Committee on Un-American Activities

Washington

Filed July 18, 1955, Harry M. Hull, Clerk

May 27, 1955

I, Thomas W. Beale, Sr., duly appointed, authorized and acting Chief Clerk of the Committee on Un-American Activities, do hereby certify that the above resolutions were adopted by the Committee on Un-American Activities at duly called and held executive sessions.

Given under my hand this Twenty-seventh day of May 1955.

Thomas W. Beale, Sr., Chief Clerk.

Defts. Exhibit No. 1

Filed July 18, 1955, Harry M. Hull, Clerk

Original

By authority of the House of Representatives of the Congress of the United States of America

To United States Marshal, Dubuque, Iowa

You are hereby commanded to summon John T. Watkins to be and appear before the Committee on Un-American Activities, or a duly authorized subcommittee thereof, of the House of Representatives of the United States, of which the Hon. Harold H. Velde is chairman, in their chamber in the city of Washington, Room 225-A, Old House Office Building, on Monday, April 26, 1954, at the hour of 10:30 a. m., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and seal of the House of Representatives of the United States, at the city of Washington, this 6th day of April, 1954.

Harold H. Velde, Chairman.

Attest: Lyle O. Snader, Clerk.

Defts. Exhibit No. 2

Filed July 18, 1955, Harry M. Hull, Clerk

WESTERN UNION

SAO 23 WM 12

W.Buao 13 XV Govt. Pd-Bu Washington, D. C. 22 954 Ame:  
John T. Watkins,

1224 44 Ave., Rock Island, Ill.

Under continuing authority of subpoena served upon you April 13, 1954, your appearance before Committee on Un-American Activities is hereby postponed from April 26 to Thursday, April 29, 1954, 10:30 A. M.

Harold H. Velde, Chairman.

Defts. Exhibit No. 4 (ident.)

OFFER OF PROOF

Filed July 18, 1955, Harry M. Hull, Clerk

The House Committee on Un-American Activities has conducted two series of hearings on communist activities in the Chicago area. The first was in the 82nd Congress, Second Session, and was entitled Communist Activities in the Chicago Area, Parts I and II (1952).

The second series was conducted in the 83rd Congress, Second Session and was entitled Investigation of Communist Activities in Chicago Area, Parts I, II and III (1954).

The earlier hearings will be referred to as Chicago Area Hearings (1952); the second series of hearings will be referred to as Chicago Area Hearings (1954).

MORRIS CHILDS

*Role of Communist Press in the Communist Party, 82nd Cong. 2d sess.—January, 1952.*

p. 2236

Budenz says Childs went with him to see Weiner (who controlled all party funds) to get funds for Midwest Daily Worker.

*Communist Activities in the Chicago Area—Part I. 82nd Cong. 2 sess. Sept. 2 & 3, 1952.*

p. 3745

Testimony of Donald O. Spencer. Discusses meeting at Sherman Hotel in Chicago, of labor people and Communists to discuss tactics in '44 and '45. Childs was there and didn't belong to any union that was there.

*Testimony of Walter S. Steele Regarding Communist Activities in the U. S. Hearings, etc. 80th Cong. 1st sess. on H.R. 1884 and H.R. 2122.*

p. 43

Lists Morris Childs as staff writer for Peoples Daily World.



95

p. 44

Lists Morris Childs as contributor to Political Affairs.

p. 34

These organs described as major Communist publications.

*Investigation of Un-American Propaganda Activities in the United States (Hearings before a Special Committee on Un-American Activities) Volume 7. (1939)*

p. 4281

Listed by Browder as member of the National Committee of the Communist Party, U. S. A.

p. 4835

Childs received money from William Weiner, in charge of Communist Party finances.

*Volume 13 (1940)*

p. 7725

Lightfoot states M. Childs was executive secretary in Chicago.

*Hearings on Gerhart Eisler, 80th Cong. 1st sess. (1947).*

p. 22

Childs identified by W. O. Nowell as having been at propaganda school in Russia.

*Chicago Area Hearings—Part 2—1954.*

p. 4248

Rumsey identifies him as “from the Central Communist Committee”. Childs would tell them what they were to do and how they were to function.

p. 4259

Rumsey testifies Childs gave them the “line” on Yalta.

ERNEST DEMAIO

*Report on the Communist Peace Offensive, H. Rept. 378, 82nd Cong. 1st sess.*

96

p. 51

DeMaio sponsor of American Peace Crusade.

p. 53

Also supporter of American Peace Mobilization.

p. 116

Name on leaflet of American Continental Congress for Peace, as sponsor.

p. 126

List of sponsors of Stockholm Appeal.

p. 136

Reprints of documents of Peace Crusade.

p. 166

Members of World Peace Council, elected at World Peace Congress.

*Chicago Area Hearings, (1952).*

p. 3745

Spencer testimony—DeMaio at meeting.

*Hearings Regarding Communist Infiltration of Labor Unions—Part I—Aug., 1949, 81st Cong. 1st sess.*

**p. 657**

(This is part of an appendix which consists of J. B. Mathews testimony before a House Education and Labor Subcommittee, Sept. 29, 1948) lists “all” of DeMaio’s “Communist affiliations.”

*Hearings Regarding Communist Activities in the Cincinnati, Ohio, area—Part I, 81st Cong., 2d sess.*

p. 2746

Testimony of Victor Decavitch “Definitely in work of Communist Party.”

p. 2749

At Communist Party meeting of UE people which discussed removal of Browder.

*Hearings Regarding Communist Activities in the Chicago Area—Part I, 82nd Cong., 2d sess. (1952)*

p. 3638

Testimony of Lee Lundgren. De Maio put Communist Party member on staff of U.E.

p. 3655

Testimony of Irving Crane. Meeting at De Maio's house with Communist Party leaders.

p. 3657

De Maio supports Communist slate.

p. 3667-3682

De Maio's testimony. Largely relies on the privilege. Questioning indicates Committee's full knowledge about De Maio.

*Chicago area—Part 2 (1954)*

p. 4248

Rumsey identifies him as Communist Party member.

*Special Committee—Vol. 16.*

p. 10229

Robert Stripling gives full "Communist" record of De Maio; lists fronts.

p. 10236, 10237, 10240

Harry Morgan testifies as to difficulties with De Maio. De Maio ordered leaflets for Abraham Lincoln school distribution by union men.

*Hearings Regarding Communism in Labor Unions in the United States, 80th Cong. 1 Sess. (1947)*

p. 127

J. Julianelle, business agent for UE LOCAL, states De Maio is a Communist.

p. 196

Conroy says E. De Maio is not Communist to his knowledge.

*Report on the March of Labor, December 22, 1954.*

p. 15

Ernest DeMaio listed on table showing individuals identified as Communist Party members before the Committee on Un-American Activities who contributed articles to the "March of Labor".

HAROLD FISHER

*Chicago Area, Part I (1952).*

p. 3743

Spencer testimony—Fisher attended closed meetings of the Communist Party.

*Chicago area—Part 2 (1954).*

p. 4246

Rumsey identifies Fisher as union organizer for whom he collected dues.

p. 4248

Repeats testimony.

DOROTHY HILLYERD

*Chicago Area (1952) Part I*

p. 3742

Spencer just identifies her a member of the Communist Party.

*Chicago area—Part 2 (1954)*

p. 4248

Rumsey identifies her as "just an employee card carrier".