

COMMUNIST LEGAL SUBVERSION  
THE ROLE OF THE COMMUNIST LAWYER

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R E P O R T

BY THE

COMMITTEE ON UN-AMERICAN ACTIVITIES  
HOUSE OF REPRESENTATIVES  
EIGHTY-SIXTH CONGRESS  
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COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, \* \* \**

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

\* \* \* \* \*  
17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*  
(g) (1) Committee on Un-American Activities.  
(A) Un-American activities.  
(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

\* \* \* \* \*

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 86TH CONGRESS

House Resolution 7, January 7, 1959

\* \* \* \* \*

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

\* \* \* \* \*

(q) Committee on Un-American Activities, to consist of nine Members.

\* \* \* \* \*

RULE XI

POWERS AND DUTIES OF COMMITTEES

\* \* \* \* \*

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) 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.

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\* \* \* \* \*

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

“The proletariat must gather and organize those lawyers and learned barristers in various countries who sympathize with the liberation struggle and are prepared, together with the legal bureau of the IRA, to assist and give legal help to the victims of the class domination of the bourgeoisie \* \* \*.

“To organize legal bureaus in every country where they do not yet exist and where this is possible, in particular in England, the U. S. A. and Japan \* \* \*.

“To strive to enlarge the number of lawyers who take part in this work by attracting more and more new cadres of lawyers and jurists who can be stimulated by their own interests and their sympathy with the revolution to gather around the IRA legal bureau.”

(The above directive was issued by the International Red Aid (IRA) at its Second International Conference (Moscow, 1927). The International Red Aid was established by the Comintern in 1922 for the purpose of providing organizations of lawyers for the legal defense of Communists and Communist causes in all parts of the world.)

## COMMUNIST LEGAL SUBVERSION

### The Role of the Communist Lawyer

#### INTRODUCTION

Hearings and investigations conducted by the Committee on Un-American Activities in the course of the last few years have produced a massive array of facts regarding efforts directed at the perversion of our democratic processes of government by the Communist conspiracy in the United States.

On the basis of these facts, the committee issued the report entitled "Communist Political Subversion"<sup>1</sup> on August 16, 1957. The committee described therein the Communist Party's campaign, through the instrumentality of several hundred party-created organizations, to simulate a "grass roots" pressure on Federal and local governments for the purpose of nullifying our Nation's security programs.

A subsequent committee report, published on November 8, 1957, under the title "Operation Abolition," outlined additional organized efforts to undermine the security programs of our Government, to hamper the effectiveness of the Committee on Un-American Activities and to discredit the Federal Bureau of Investigation and its director, J. Edgar Hoover.

The committee is issuing the present report as a result of substantial evidence that the Communists, over the course of the past several decades, have sought and are seeking to pervert our democratic processes not only by their campaign of political subversion but by a parallel operation which may be designated as "legal subversion." This operation involves subversion by Communists trained in the law.

The mechanics of legal subversion extend far beyond any legitimate process of legal representation. They embrace the efforts of a conspiratorial minority, trained in the use of the legal instruments of our society, to turn those instruments into weapons for the destruction of our free society.

While relatively few in number, the principals in this operation enjoy a far disproportionate influence in the American community as a result of a combination of legal training, schooling in Communist subversive techniques and the fact that they have behind them the entire Communist apparatus and are made the subjects of favorable publicity build-ups on the part of the Communist Party, its fronts and fellow travelers in all walks of life.

The locus operandi of the Communist lawyer has ranged from the Communist Party and its myriad front groups and enterprises to the

<sup>1</sup> See Communist Political Subversion, Hearings and Appendix, November and December 1956 (pts. 1 and 2), and H. Rept. No. 1182, August 16, 1957.

most respected institutions of our Republic. The record will show, for example, that Communist lawyers have not only been in the forefront of the party's own organizational apparatus and of particular party projects such as the campaign of political subversion, but that they have also promoted the Communist cause in the courts, the Congress, and executive agencies of our Government.

From the scope and nature of their activities, it is evident that Communist lawyers rank as part of an elite corps within the Communist fifth column on American soil.

The Committee on Un-American Activities has never investigated the legal profession or any other professional group as such. Legislative mandates require, however, that this committee and, in turn, the Congress, be informed of the constantly changing strategy and tactics of the Communist conspiracy in this country as preparation for the enactment of remedial security legislation when the exigencies of the situation demand it.

In keeping with these mandates, the committee has investigated the conspiracy in whatever sphere its agents have been found operating. The committee has discovered as a result of these investigations that the Communist program of subversion in this Nation is so broad in scope that most segments of our society have been its targets. Hearings have disclosed, for example, the operations of Communist agents within our Federal Government, our trade unions, and local community organizations, as well as within numerous professional groupings such as lawyers, doctors, educators, and scientists.

In this report, the committee has extracted from its past investigations and hearings some of the information it has received regarding the aims and activities of Communists admitted to the practice of law. Despite the fact that the information was obtained incidentally in the course of investigations into broader aspects of the Communist conspiracy, the committee believes this evidence is justification for concern by those, both within and without the legal profession, who would preserve our democratic institutions and processes. Therefore, it was decided to publish this report.

How can a lawyer maintain his oath to uphold and defend the Constitution of the United States when he is an agent of a conspiratorial apparatus designed to destroy the Constitution?

How can a lawyer carry out his duty to serve the interests of a client if he is under Communist discipline which subordinates professional loyalties to the interests of the Communist Party?

How can a lawyer meet the high standard of ethics and conduct, historically required of members of the bar, if he exploits the know-how and prestige of his profession in behalf of Communist propaganda, subversion, and espionage?

The committee cites facts which shed light on these and other questions in the following report in the belief that reliable data on a vital problem is the first step toward its eventual solution. It is encouraging to note that many loyal members of the bar have long demonstrated concern about Communist lawyers. The American Bar Association, for example, established a Special Committee on Communist Tactics, Strategy and Objectives in 1950. As a result of its committee's studies, the Association has adopted a number of recommendations directly relating to communism and Communist lawyers.



Among the measures urged by the Association is the disbarment of lawyers who are found to be members of the Communist Party or who invoke the fifth amendment regarding party membership.

The ramifications of legal subversion are such, however, that the problem demands immediate and serious consideration not only by the overwhelming majority of patriotic lawyers in our country but by the Congress and the citizenry at large.

### LAWYERS IDENTIFIED AS COMMUNISTS

Committee investigations and hearings over the years have stripped the cloak of secrecy from Communist conspirators operating in many diverse groupings of American society. Organized Communist activities centered in various cities of the United States, or around key Communist targets such as the Government, labor unions, basic industries, and educational and cultural institutions formed the scope of many committee hearings.

In the course of these hearings, which it has held throughout the country, the committee has repeatedly received evidence that certain members of the conspiratorial Communist operation were masquerading as respected members of the legal profession.

In the decade from 1947 through 1957, for example, more than 100 of the individuals identified as members of the Communist Party by former Communists testifying before this committee have also been identified as members of the bar.

Most of these lawyers have appeared as witnesses before this committee or other congressional committees. Approximately a dozen of them informed this committee that they were no longer part of the conspiracy and presented valuable testimony regarding their past activities as lawyers in the party. However, no less than 67 other lawyers have refused to answer questions of this committee or other congressional committees regarding their membership or activities in the Communist Party, despite the existence of sworn testimony regarding their affiliation with the conspiracy. All but four of these lawyers invoked the protection of the fifth amendment against self-incrimination in refusing to respond to questioning.

These lawyers represent only a fraction of the total number of individuals engaged in the practice of law in the United States. The fact that a relatively small number of Communists have attained status in the legal profession should not be construed as a reflection on the overwhelming majority of the legal profession, in whose loyalty and patriotism the committee has the highest confidence.

On the other hand, the fact that more than 100 Communist lawyers have been identified in sworn public testimony before the committee must not be construed as a complete picture of Communist legal subversion. The committee emphasizes again that its information on the subject was obtained incidentally in the course of its public hearings on broad-scale Communist operations in this country. The factual material upon which this report is based does not include information on Communist lawyers who have not been publicly identified, nor on lawyers who are not actual party members for "security" or other reasons but who nevertheless unswervingly support the Communist Party and its program. Nor does this report attempt to exhaust in-

formation on the subject which may be available as a result of hearings by other committees of the United States Congress, various State investigating committees, and governmental agencies such as the Subversive Activities Control Board, or information obtained as a result of testimony in the numerous Smith Act trials.

The fact that identified Communist lawyers are very much in a minority does not alter the seriousness of the situation whereby agents of the Communist Party, by gaining entry into the legal profession, are in a unique position to serve as instruments for those who would pervert the very democratic processes a lawyer is sworn to defend.

Under the mantle of the legal profession, the Communist can operate as an ostensibly respectable and influential member of the community despite his dedication and subservience to Communist doctrines and directives.

The frequency of their appearances before our most important and highly respected democratic institutions is evidence of the prominence attained by Communists who have been admitted to the bar. They appear not only before congressional committees but, because of their highly respected profession, are given free access to executive agencies, such as the Immigration and Naturalization Service, and to the State and Federal courts, including our highest tribunal—the United States Supreme Court.

In the past decade alone, identified Communist lawyers appeared in person before the United States Supreme Court or were on the principal brief in at least 32 important cases adjudicated by the Court on some vital issue affecting the operations of the Communist Party itself.

This report must not be construed as a reflection on the right and privilege of legal representation for Communists. The cherished American concept of the right to counsel must never be denied even to Communist conspirators who would render such concepts meaningless if their efforts to subvert our Government were to succeed.<sup>2</sup>

### **A COMMUNIST'S LOYALTY VERSUS THE LAWYER'S OATH**

A Communist owes his primary loyalty to an international revolutionary conspiracy, masterminded in Moscow toward the goal of complete enslavement of the earth's people. By subordinating himself to this conspiracy, a lawyer becomes part and parcel of an operation designed to abolish our constitutional form of government and its

<sup>2</sup> The Rules of Procedure of the Committee on Un-American Activities, a printed copy of which is furnished to all witnesses, require that "At every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing." Witnesses who appear at committee hearings without legal representation are asked if they have deliberately chosen to testify without benefit of counsel.

When such witnesses indicate they desire counsel but are unable to obtain it, the committee postpones interrogation of the individual and contacts local bar associations or legal aid societies in order to insure that the witness has the benefit of legal advice.

As examples, the committee cites the appearances of Stanley William Henrickson before the committee in Seattle, Wash., June 16, 1954, and the appearance of William Matthews in Atlanta, Ga., in July 1958. Mr. Henrickson, an identified member of the Communist underground organization in Washington State, invoked the fifth amendment as a witness before the committee. He was accompanied by Michael K. Copass, president of the Seattle Bar Association, who represented Mr. Henrickson without compensation after the committee had solicited the bar association for legal assistance for Mr. Henrickson. In connection with the appearance of William Matthews before the committee in Atlanta, Ga., in July 1958, the committee solicited and obtained legal assistance for the witness from the local Legal Aid Society.

guaranties of equal justice under the law in favor of a slave-state existence.

A Communist operates under an iron discipline which places his party's subversive purposes above even professional and personal loyalties. No Communist, therefore, can in good faith take the oath, administered to all members of the bar, to uphold and defend the Constitution of the United States. No Communist can qualify for the trust imposed upon a lawyer "to devote his ability, skill, and diligence along ethical and professional lines to the interests of his client, and to refrain from entering into any alliance or incurring any obligation connected with the litigation in which he is engaged as counsel that would place him in a position where his personal interests would be adverse to those of his client."<sup>3</sup>

A member of the bar is considered an officer of the court. In a sense, he is also an officer of the State, with an obligation to the public. He plays a role that is indispensable to the very system of the administration of justice, and as a result has a solemn duty to assist the court in keeping legal proceedings dignified, orderly, impersonal, and free from issues aside from the merits of a case. With their loyalties elsewhere, Communists cannot be counted upon to carry out such important responsibilities.

The anomaly of a Communist lawyer is further pointed up by the fact that the prerequisites for admission to the bar include not only adequate training in the techniques of the law but also good moral character. A member of a conspiracy, dedicated to a course of deceit, subversion, and even violence, obtains and holds membership in the legal profession in gross violation of the bar's character requirements.

That a Communist lawyer's first allegiance is to the party itself was demonstrated by the testimony of a group of Los Angeles lawyers who had quit the party in disillusionment in the late 1940's, and later described their party experiences to this committee.<sup>4</sup>

Most of these lawyers had been recruited into the Communist Party after other lawyers already in it had induced them to attend informal "legal" discussion groups where they were gradually exposed to Marxist views. When they actually joined the party the new recruits were placed in a special lawyers' group whose membership was kept secret. There they received intensive indoctrination aimed at guiding their thinking along accepted Communist Party lines. Communist lawyers, the witnesses declared, were not allowed to disagree with party theory and policies. Those who differ "either change their minds and think right, or else they get out," according to David Aaron, a lawyer and former Communist who, since breaking with the party, has rendered outstanding service by revealing the machinations of Communist lawyers.

Mr. Aaron stated that the lawyers who were "Communists in the true sense of the word" were those who "feel that the most important thing is the aims of the party." A. Marburg Yerkes, another lawyer who broke with the party, related that he found his concern for high ideals was being submerged by concern for the Communist Party as such. Still another former member of the Los Angeles Communist

<sup>3</sup> 7 Corpus Juris Secundum 708.

<sup>4</sup> Testimony of David Aaron and Albert M. Herzig, January 23, 1952; A. Marburg Yerkes, January 24, 1952; and William G. Israel, January 25, 1952.

lawyers' group, William G. Israel, testified that he quit the party group because "in 1947 it became perfectly obvious that to remain a member of the Communist Party was to be an absolutely disloyal American."

### COMMUNIST ABUSE OF THE COURTS

The Communist Party attitude toward our courts was frankly stated in a pamphlet instructing the party faithful on the behavior they were to adopt in the event of arrest and trial. The pamphlet bluntly required them to "bring the class struggle into the courtroom." The "dignity" and "sanctity" of the courts, according to this pamphlet, are merely "a means of paralyzing the struggling of the workers against capitalist institutions."

These instructions further declare :

The class struggle goes on in the courtroom as well as it does on the picket line, in the shops, and in the mines. The worker must learn to carry into the courtroom the same determined militancy that brought him there.

The worker must also understand that courts are not impartial, any more than any other agency of capitalist government is impartial. Those who drag the worker into court do so because they know that the court will serve the bosses and not the worker.

To summarize the point : the workers must see through the sham and ceremony, and recognize the capitalist court as a class enemy—as a weapon in the bosses' hands, with which to suppress workers' militancy. The worker must train himself to bring the class struggle into the courtroom into which he was dragged by the bosses' servants.<sup>5</sup>

Another Communist pamphlet told party members that they must use trials of Communists as a means of attacking capitalism and promoting the revolution :

A Communist must utilize a political trial to help on the revolutionary struggle. Our tactics in the public proceedings of the law courts are not tactics of defense but of attack. Without clinging to legal formalities, the Communist must use the trial as a means of bringing his indictments against the dominant capitalist regime and of courageously voicing the views of his party.<sup>6</sup>

The application of these Communist principles to an American court trial was observed as far back as 1929 in the notorious Gastonia case.

In this case, seven defendants were convicted of second-degree murder as a result of the death of a Gastonia, N. C., police chief during a violent Communist-directed strike of textile workers in the area. The conviction marked the conclusion of two trials held in Charlotte, N. C., between August 26 and October 21, 1929, in a blaze of nationwide publicity capitalized on by the Communist Party.

Many years later, Fred E. Beal, one of the defendants who was also a Communist, and Liston Oak, a Communist functionary on the scene, appeared as witnesses before this committee. Both men had left the

<sup>5</sup> Under Arrest! Workers' Self-defense in the Courts, International Labor Defense, pp. 6 and 7.

<sup>6</sup> Johannes Buchner, The Agent Provocateur in the Labour Movement, New York: Workers Library Publishers, early 1930's pp. 41 and 52.

Communist Party in disillusionment. They revealed to the committee that the Communist Party had gone all-out in an effort to induce defense counsel to follow a "class struggle" line in the Gastonia trials and to utilize the courtroom for Communist propaganda purposes.

Among those sent by the party to the area to accomplish this objective was Leon Josephson, a Communist lawyer from New Jersey, who operated as the party's legal representative. Although Josephson did not take part in the actual trial proceedings, he attempted to influence the defense counsel and, in interviews with the imprisoned defendants, sought to instruct them on their testimony in the event they should be called to the witness stand.

Mr. Beal stated that the Communist Party was more interested in creating a propaganda forum and making a show for Moscow than in obtaining the defendants' acquittal. The party succeeded in getting one of its representatives from New York on the witness stand. This party agent thereupon introduced into the trial Communist propaganda speeches having no relation to the defense of the case and actually prejudicial to the defendants. Such tactics, accompanied by Communist agitation in the community, hampered the case for the defense to such an extent that Mr. Beal in retrospect was convinced the Communist Party was chiefly responsible for the defendants' conviction.

A former judge who was chief counsel for the defense resigned from the case as a result of such Communist efforts to make a mockery of the trial. A non-Communist lawyer from Charlotte, N. C., who eventually replaced him, subsequently confirmed Mr. Beal's version of the case in a communication to the committee. This lawyer told the committee:

All of the bigwigs of the American branch of the Communist Party were on hand for the trials. They did everything they could to interfere with the proper defense of the accused, and tried constantly to embarrass the court.

When the solicitor for the State, in the second trial of the case, announced that he would not ask for conviction on the capital charge, but would reduce the charge to murder in the second degree the Communist leaders insisted that I protest the reduction and that I "demand" that the defendants be tried for their lives. They made no secret of the fact that they would like to see them sentenced to death, for that, the leaders said, would give them "more mass space," and enable them to push their cause with more effectiveness. During the trial of the case they tried to tamper with State witnesses, tried to get our own witnesses to swear to all sorts of lies, and constantly tried to dictate to defense lawyers. By the time the case had ended the Communists hated me about as much as they did the attorneys for the prosecution, and largely because the prisoners were not sentenced to the electric chair. The whole ugly affair seems almost like a nightmare.

The behavior of defense counsel in the Smith Act trial of the 11 top Communist Party officials in New York in 1949 was in complete accord with the Communist Party courtroom strategy outlined above.

Throughout the 7-month trial of the Communist leaders charged with conspiracy to advocate forceful overthrow of the United States Government, a group of defense lawyers indulged in a spectacular

display of abusive and disruptive conduct. These lawyers, it became apparent, were determined to break up the legal proceedings by any means and to introduce Communist propaganda at every opening as long as the trial should continue.<sup>7</sup> In pursuing these tactics, counsel were observed to pass up actual opportunities to benefit their clients' case. Presiding Judge Harold Medina declared at one point in the trial that "The amount of disorder and contemptuous behavior I have witnessed here is beyond anything I could have thought possible in an American court."

At the conclusion of the trial, Judge Medina meted out jail sentences for criminal contempt of court to six defense counsel. He charged them with "a deliberate and willful attack upon the administration of justice, an attempt to sabotage the functioning of the Federal judicial system and misconduct of so grave a character as to make the mere imposition of a fine a futile gesture and a wholly insufficient punishment."<sup>8</sup>

Judge Jerome Frank, in a concurring opinion in the United States Court of Appeals, Second Circuit, decision which upheld the contempt sentences against the defense counsel, said:

\* \* \* We affirm the orders punishing these lawyers \* \* \* because of the lawyers' outrageous conduct—conduct of a kind which no lawyer owes his client, which cannot ever be justified, and which was never employed by those advocates, for minorities or for the unpopular, whose courage has made lawyerdom proud. The acts of the lawyers for the defendants in this trial can make no sensible man proud.

What they did was like assaulting the pilot of an aeroplane in flight or turning out the lights during a surgical operation. To use homelier words, they tried to throw a wrench in the machinery of justice. Whatever may have been their purpose, their acts might have made a trial of their clients impossible.<sup>9</sup>

Among those sentenced for contemptuous conduct was Eugene Dennis, general secretary of the Communist Party, U. S. A., who was a defendant in the trial. Although not a lawyer, Dennis had served as his own counsel. Three of the remaining defense counsel sentenced by Judge Medina—Harry Sacher, Richard Gladstein, and Abraham J. Isserman—are active practitioners of the law who have been identified by witnesses before this committee as members of the Communist Party.

At the time of this contemptuous behavior by defense counsel in the New York Smith Act trial, A. Marburg Yerkes was still a member of a Communist Party lawyers' group in Los Angeles. Mr. Yerkes subsequently told this committee that he was profoundly disturbed by the conduct of the lawyers in the New York trial and that he tried to raise

<sup>7</sup> Hawthorne Daniel, "Judge Medina, A Biography," New York: Wilfred Funk, Inc., 1952, pp. 230, 231, 265, 288, and 289.

<sup>8</sup> *Ibid.*

<sup>9</sup> 182 F. 2d 416.

questions about it with other Communist lawyers in his group. Mr. Yerkes received no answer and shortly thereafter left the Communist Party in disgust with its policies and methods.

The American Bar Association's Special Committee on Communist Tactics, Strategy and Objectives expressed concern that conduct such as that engaged in by defense counsel in the aforementioned Smith Act trial "might well bring down the wrath of the American people upon the legal profession, and if permitted to continue would tend to make the Bar generally the object of scorn, derision and contempt of the American citizen."<sup>10</sup>

The Attorney General of the United States warned in 1953 that the inculcation of Americans with a contemptuous attitude toward our judicial process is exactly what the Communist Party seeks to achieve:

High on their [the Communists'] list of objectives is a program designed to instill in our citizens contempt for our judicial process. They know that our court system, which is fair and impartial, is one of the strongest bulwarks of democracy. Consequently, as we expose their members for what they are, and try them for their crimes, they have used every device available in an attempt to turn our judicial process into a "three-ring circus" in order to bring it into disrepute.

Unfortunately, they have been partially successful in this program. \* \* \*<sup>11</sup>

### BEHAVIOR BEFORE CONGRESSIONAL COMMITTEES

The Communist Party's position regarding congressional committees investigating subversion is well documented. The party has continuously propagandized against the very existence of such committees. It has also instructed its members who are subpoenaed to appear as witnesses before these committees to refuse to furnish any information on Communist activities. Former Communists have testified that, in order to insure complete resistance to congressional committees, Communist lawyers are often assigned to Communists who have been subpoenaed.<sup>12</sup>

In appearances before this committee as counsel to uncooperative witnesses, many identified Communist lawyers have furthermore violated the ethical standards of the bar by a display of contemptuous and abusive behavior. The committee on occasion has had to have such counsel escorted from its presence in order to enable a hearing to proceed.

<sup>10</sup> Report of the Special Committee on Communist Tactics, Strategy and Objectives, American Bar Association, February 27, 1951.

<sup>11</sup> Speech of Attorney General Herbert Brownell, Jr., delivered before the National Conference on Citizenship, Washington, D. C., September 19, 1953.

<sup>12</sup> See testimony before House Committee on Un-American Activities by Matthew Cvetlic, February 22, 1950, and William A. Wallace, May 23, 1956.

Witnesses, represented by identified Communist lawyers, have also frequently engaged in disorderly and disruptive tactics, apparently with the knowledge and approval of their counsel. That much of this behavior was part of a prearranged Communist Party strategy has been revealed in the testimony of former Communists.

Mrs. Anita Schneider,<sup>13</sup> a former FBI undercover agent within the Communist Party, described how Communist lawyers provided witnesses under subpoena with abusive speeches to memorize and use when they appeared as witnesses:

Mr. ARENS. In their appearance before various congressional committees, are the comrades given a little briefing before they appear as to what they are to say?

Mrs. SCHNEIDER. They certainly are.

Mr. ARENS. Can you give us any firsthand observations on that?

Mrs. SCHNEIDER. Yes, I can. On one occasion while I was still in the Communist Party—in April 1954, I believe—the House Committee on Un-American Activities had hearings in San Diego. Many of our local Communist Party people had been subpoenaed to appear. \* \* \*

I was shown a long sheet of nasty remarks that David and Miriam Starcevic were given with orders to memorize them before they went on the witness stand so that no matter what they were asked they had a nasty answer to give. And if you will consult the transcript, you will see that the nasty answers didn't at all fit the questions. But, no matter what they were asked, they had an answer to give, a nasty one.<sup>14</sup>

Mr. DOYLE. By whom were you shown that list of nasty answers?

Mrs. SCHNEIDER. By David Starcevic \* \* \* who is a member of the Communist Party in San Diego. \* \* \*

Mr. SCHERER. Do you know of any cases other than the one you related about the list given to the Starcevic where attorneys have told witnesses who were to be called before this committee what to say? Any specific examples?

Mrs. SCHNEIDER. In each case when the Un-American Activities Committee was going to have hearings the Communist Party attorneys would coach the witnesses very carefully beforehand—exactly what to say and what not to say.

<sup>13</sup> Hearings on Communist Political Subversion, House Committee on Un-American Activities, December 7, 1956, Los Angeles, Calif., pp. 6727, 6728, and 6734.

<sup>14</sup> David and Miriam Starcevic, accompanied by identified Communist attorney, Ben Margolis, appeared as witnesses before the Committee on Un-American Activities on April 21, 1954. They conducted themselves in such an obstreperous manner that the committee decided to forego extensive questioning.



Mr. SCHERER. To the extent of baiting the committee?

Mrs. SCHNEIDER. Certainly. That was the main emphasis on their testimony. They were carefully coached on exactly how to make the committee the angriest.

Mr. SCHERER. We have had testimony in other cities from individuals like yourself that that has been the universal practice by Communist lawyers, to coach witnesses how to bait the committee, although under the rules of the committee and as attorneys, they are not supposed to tell witnesses what to say. They are merely supposed to advise them as to their legal and constitutional rights with reference to answering questions that might be asked.

It has been repeatedly demonstrated that Communist publications in the United States serve as organs for the transmission of directives to party members. It is therefore pertinent to observe that the Communist press has consistently given prominence to the abusive behavior of identified Communists appearing as witnesses before congressional committees.

For example, the Daily People's World, West Coast Communist newspaper which functions as a transmission belt for directives to party members in that area, played up the appearance before the committee on April 21, 1954, of the Starcevic and similarly uncooperative witnesses under the headline "Seven San Diegans Flay Un-Americans War Aims." The Starcevic and other identified Communists who refused to answer committee questions were hailed in the Communist newspaper for their "fighting, challenging statements" to the committee. The party publication quoted generously from these "statements" which, it stated, the chairman of the committee would not permit the witnesses to read during the course of their testimony. What the Communist newspaper failed to mention was that the statements were so abusive and so irrelevant to the investigation that committee rules prevented their introduction into the record.

Among the "statements" quoted by the Daily People's World was one prepared for delivery by La Verne Lym, former San Diegan and identified Communist, which charged that the committee's hearings on Communist activities in the San Diego area were actually timed to coincide with a Government effort to "silence the cry for peace in the world" and to stop resistance to the involvement of our country in "military adventures."

Another tirade quoted in the Communist newspaper came from Phillip Usquiano, an identified Communist of San Diego, and contained such remarks as:

This committee is creating hysteria in San Diego by bringing in here those who have sold their birthright for 30 pieces of silver, by recalling the dead from their graves.

I accuse this committee of undermining the Constitution of the United States and I refuse to cooperate with it.<sup>15</sup>

<sup>15</sup> Daily People's World, April 23, 1954, p. 6.





In an appearance before this committee in Washington, D. C., on June 12, 1956, Paul Robeson bombarded its members with contemptuous speeches which contrasted strangely with his adamant refusal to answer any committee questions regarding his Communist Party activities. The Communist Daily Worker thereafter gave Robeson front-page publicity for what it called his protest against this committee's "attempt to shut up every Negro who wants to talk for his people." As the Daily Worker reported it:

During the tumultuous hour that the hearing lasted, Robeson condemned the witchhunting by the committee, contrasted President Eisenhower's moves for peace with the committee's activities and declared emphatically his intention of continuing to fight for equal rights for Negro people.

Although the committee chairman and other members repeatedly tried to restrict him to the rigged question routine, Robeson's voice, sometimes angry, sometimes somber, sometimes chuckling, overwhelmed their heckling \* \* \*.<sup>10</sup>

Robeson's actions and expressions in behalf of international communism are always extolled by the Communist press as representing the true position of all American Negroes. At the World Peace Conference held in Paris in April of 1949, Robeson again presumed to speak for all Negroes. Thomas W. Young, a prominent Negro

<sup>10</sup> Daily Worker, June 13, 1956, pp. 1 and 8.

leader of Norfolk, Virginia, and general manager of the Guide Publishing Company, Inc., had the following to say about Robeson's statement in Paris:

What basis, if any, is there for believing Paul Robeson when he says that in the event of a war with Russia the Negro would not fight for his country against the Soviets? \* \* \*

Two things can be pointed out to discredit that statement. In the first place, Mr. Robeson is now so far out of touch with the Negro's thinking and his everyday emotions that he can no longer speak authoritatively about or for the race. His distant travels and his latterday preoccupations with the affairs of the Soviets have broken the bond he once held with the Negro mind. He has so completely removed himself from the intimate affairs of the Negro group in America that he no longer has the opportunity to know nor the authority to speak about the aims and aspirations and resolutions of this group.

The plain truth about the matter is that in his Paris declaration Mr. Robeson has done a great disservice to his race—far greater than that done to his country. And if Mr. Robeson does not recognize the injury he has done to the cause of the Negro in this country, then that underscores his disqualification as a representative of the race. And if he does not recognize the injury he has done, he must also be cognizant of the extent of his betrayal of his race in the interest of the new cause to which he now devotes himself. \* \* \*<sup>17</sup>

<sup>17</sup> Hearings before Committee on Un-American Activities Regarding Communist Infiltration of Minority Groups—Pt. 1, pp. 453 and 454, testimony of Thomas W. Young, July 13, 1949.

## NATIONAL LAWYERS GUILD

An important focal point in the Communist campaign of legal subversion is the National Lawyers Guild, which has been operating on the American scene for more than 20 years as an alleged nationwide organization for "liberal" lawyers concerned with human rights in general and civil liberties in particular.

This committee, in a special 50 page report on the guild in 1950, found the organization was in fact an "appendage to the Communist Party." Its proclaimed "benevolent" purposes were designed to lure non-Communist lawyers into the organization, where they would become subject to Communist influence and would wittingly or unwittingly serve Communist objectives. In its day-to-day operations, the guild served as a "legal" bulwark of the Communist Party, intervening in legal proceedings in behalf of Communist defendants and lobbying against executive and legislative programs which would curb the effectiveness of the Communist conspiracy in this country.<sup>18</sup>

The first executive secretary of the guild, Mortimer Riemer, who was also a member of the Communist Party at the time, has described in sworn testimony before this committee how he and other Communist lawyers worked to organize the guild in 1936. Not only were the organizational details arranged by Communist lawyers, but the first national convention of the guild in 1937 elected a slate of officers and followed a program prearranged in secret caucuses of Communist lawyers.<sup>19</sup>

Other lawyers who were formerly active in both the Communist Party and the National Lawyers Guild have informed the committee that it was a Communist Party requirement that Communist lawyers become members of the guild because, as one witness said, "The guild was supposed to be made into the legal organ, the legal instrument which would speak for and in behalf of the Communist Party."<sup>20</sup>

In the course of its present study of the problem of legal subversion, the committee found that most of the lawyers who have been identified before it as members of the Communist Party, and whose activities are discussed in more detail later in this report, have played prominent roles in the National Lawyers Guild. These lawyers have held key offices in the national guild organization such as those of executive secretary and members of the executive board and have functioned as president, executive secretary, treasurer, or board members in local chapters of the guild in such major cities as New York, Washington, D. C., Los Angeles, and San Francisco.

A number of lawyers have been identified as having been members of the Communist Party as far back as their law-school days, when they were also active in "student" chapters of the National Lawyers Guild. For example, lawyer Mortin Leitson served as president of the guild's student chapter at the University of Michigan while also active in a secret Communist Party organization on the campus.

<sup>18</sup> See report on the National Lawyers Guild, Committee on Un-American Activities, H. R. 3123, September 21, 1950.

<sup>19</sup> See testimony of Mortimer Riemer before this committee on December 14, 1955.

<sup>20</sup> See testimony of David Aaron before this committee, January 23, 1952, p. 2522.

The National Lawyers Guild held a banquet in New York City on October 25, 1957, at which it paid tribute to 125 lawyers who were members of the guild. The guild's "guest of honor" roll for this affair included 36 attorneys who have been publicly identified as Communist Party members in testimony before the committee.

Activities of the guild in recent years continue to be directed toward the weakening of the security programs of Federal and local governments. The guild, for example, has been campaigning for:

1. Abolition of congressional committees assigned to the task of coping with subversion in the United States;
2. Curbing of the investigative powers of the Federal Bureau of Investigation;
3. Emasculation of the recent statute which grants immunity to any witness called before a committee or a Federal grand jury if the witness furnishes information regarding subversive activities;
4. Repeal of the Smith Act prohibiting teaching or advocacy of forceful overthrow of the United States Government;
5. Discontinuance of the Attorney General's listings of subversive organizations;
6. Repeal of the Internal Security Act and the Walter-McCarran Immigration Act;
7. Unrestricted issuance of passports to subversive individuals;
8. Repeal of the Federal employees loyalty-security program;
9. Limitations on the right of the Defense Department to discharge subversives from the Armed Forces.

#### **SERVICES TO THE COMMUNIST PARTY BY IDENTIFIED COMMUNIST LAWYERS**

When David Aaron, a former member of a Communist Party lawyers' group in Los Angeles, appeared as a witness before this committee, he was asked what part Communist Party lawyers were expected to play in the promotion of the plans and purposes of the Communist Party. Mr. Aaron replied that "\* \* \* the function of the lawyer was to not actively go out on the street and promote, but to act in an advisory capacity, to give aid and counsel to the people who are active in it [the party]."

In an effort to obtain a picture of some of the special services which can be performed for the Communist Party by members operating from the vantage point of the legal profession, the committee has reviewed the public record of a number of lawyers who have been identified as party members in sworn testimony. This record, which represents only publicly available information contained in the files of the committee, shows that such lawyers have:

1. Capitalized on their membership in the legal profession to recruit fellow lawyers into the Communist Party.
2. Misapplied their legal training by assisting Communist operatives in circumventing the law in order to carry out party objectives.
3. Served in secret Communist cells aimed at espionage and influencing United States policy toward Communist objectives, while holding responsible legal positions in the United States Government.
4. Carried out important duties as a functionary of the Communist Party organization itself.

5. Served as attorneys for both Communist-dominated trade unions and those not under Communist control.

6. Acted as legal advisers to, and accepted leadership roles in, organizations which posed as legitimate non-Communist enterprises although they were, in fact, operated under Communist control for party purposes—for example, the party front organizations built around “civil rights” and other popular themes.

7. Exploited the prestige of their profession in the course of running for public office.

The Communist Party has reaped inestimable benefits as a result of these extralegal activities of identified Communist lawyers. While the activities involve the promotion of Communist objectives in fields far removed from the atmosphere of courts or administrative and congressional hearing rooms, nevertheless, a basic element in all of them is a deliberate Communist exploitation of the lawyer's special status as a member of the bar.

Specific illustrations of each of these activities, selected from numerous examples available in the public records of identified Communist lawyers, follow:

#### RECRUITMENT OF FELLOW LAWYERS INTO THE COMMUNIST PARTY

One of the extralegal activities in which Communist lawyers engage is the recruitment of fellow lawyers into the Communist Party.

Attorney A. Marburg Yerkes testified before this committee that he had accepted the invitation of Ben Margolis<sup>21</sup> to join the latter's Los Angeles law firm because he was impressed with Mr. Margolis' reputation in a certain prominently publicized legal case. Shortly after joining the firm, Mr. Yerkes was invited by his employer to attend an informal “legal” discussion at a lawyer's home. Because Mr. Margolis “expected” it of him, Mr. Yerkes became a regular attendant at such sessions, which he found were actually Marxist discussions aimed at the gradual indoctrination of non-Communist lawyers with Communist views. The sessions led Mr. Yerkes and other lawyers into formal membership in the Communist Party, where Mr. Yerkes discovered Mr. Margolis in a leadership role.

#### CIRCUMVENTING THE LAW

This committee's hearings have also revealed instances in which identified Communist lawyers have misapplied their legal training by helping Communist agents evade our laws.

In the course of the committee's investigation into the operations of the international Communist agent, Gerhart Eisler, evidence was obtained that Leon Josephson, an openly admitted Communist and a member of the bar in New Jersey since 1921, had in 1934 prepared a false passport application for Eisler's travels in the service of the Communist conspiracy. A passport was subsequently issued to Eisler, a German citizen, through the use of the naturalization papers of a third Communist Party member, because Eisler, an alien, was technically unable to obtain a passport. When Josephson was called as

<sup>21</sup> For further details of the activities of Ben Margolis and many of the other attorneys subsequently referred to, see separate sections devoted to each attorney on pages 28 through 75 of this report.



a witness in Eisler's trial for contempt of Congress in 1947, he not only confessed on the witness stand that he had sworn falsely on Eisler's passport application but also boasted that he would "do so again." The statute of limitations prevented any prosecution of Josephson at that date.

A more recent example was provided in the testimony of Anita Schneider, who joined the Communist Party in California in 1951 as an undercover agent for the Federal Bureau of Investigation. Mrs. Schneider said the Communist Party considered sending her as a delegate to an international Communist-sponsored "peace" conference in Stockholm, Sweden, from which it was also planned she would journey on to the Soviet Union. Mrs. Schneider said she had a discussion with a Communist lawyer of Los Angeles, Richard Rykoff, on the problem of applying for a passport in view of State Department restrictions on travel behind the Iron Curtain. Attorney Rykoff advised Mrs. Schneider to conceal her real destination from the State Department in filling out a passport application, even though he knew that, in filling out the application, she would have to swear to the truthfulness of the information contained in it.

#### ESPIONAGE AND SUBVERSION IN GOVERNMENT

This committee's investigations and hearings over the years have disclosed that a sizable group of individuals who obtained positions of trust within the United States Government due to their legal training joined underground Communist cells aimed at subversion in the Government.

New York lawyers John J. Abt and Nathan Witt, for example, held legal posts with the Agriculture Department and the National Labor Relations Board, respectively, while serving as leaders of secret Communist cells composed of Government employees. Testimony has disclosed that such cells were formed as part of the Communist Party's strategy to get its members into high policymaking posts in our Government and to open up channels through which the Soviet Union could obtain classified Government information.

A notorious illustration of subversion in Government by an identified Communist lawyer was provided by the case of Alger Hiss. Hiss' 15 years of Federal employment encompassed all three branches of the Government—judicial, legislative, and executive. After serving as a law clerk for a justice of the United States Supreme Court, Hiss held such posts as counsel in the Agriculture and Justice Departments and as chief counsel with a special Senate committee. Upon entering the State Department, where he attained his highest policymaking position, Hiss' first assignment was assistant to an Assistant Secretary of State. He, himself, described his job as involving years of "legal and other research."

#### LAWYERS AS COMMUNIST PARTY OFFICIALS

Among the members of the bar who have at the same time held important functionary posts within the Communist Party organization are San Francisco lawyer Aubrey Grossman and New York lawyer Abraham Unger.

Aubrey Grossman in 1945 was publicly advertised by the Communist Party as its new educational director for the city and county of San Francisco. In that year, he was also an alternate delegate to the important Communist Party national convention in New York City, at which party leader Earl Browder was deposed and the temporary name of the Communist Political Association was abandoned in response to dictates from Moscow.

Abraham Unger not only served as official legal representative for the Communist Party but also held the status of a "functionary" within the party organization, according to a former Communist associate who left the party in 1950. Mr. Unger had been a member of the constitution committee at the aforementioned 1945 convention of the Communist Party.

In 1956, at the height of the internal controversy within the United States Communist Party which resulted from Soviet disclosures of Stalin's crimes, Abraham Unger discoursed authoritatively on internal party problems in the party's official newspaper, the Daily Worker. His pronouncements included severe condemnation of those Communists in the United States or abroad who were tempted to rebel against complete subservience to the Soviet Union.

#### ACTIVITIES IN UNIONS

The Communist Party since the late 1920's has made concerted efforts to infiltrate the organized labor movement in this country. Chief targets of the party have been unions operating in basic industries—the maritime, shipping, communications, radio and electrical fields. The party actually controlled a number of the Nation's most important labor unions. Identified Communist lawyers have contributed to this party objective.

Sworn testimony has revealed that, while identified Communist Richard Gladstein of San Francisco served as official attorney for the Marine Cooks & Stewards Association of the Pacific in the 1940's, he vigorously promoted Communist control over that union. Lawyer Gladstein's efforts, under instructions from the Communist Party, included drafting a constitution, subsequently adopted by the union, which would give the party free access to the union's finances. The union was expelled from the CIO in 1950 for its adherence to the Communist Party line.

Another example is provided by lawyer Nathan Witt, who has admittedly held the official post of "attorney or the general counsel" for the Communist-controlled International Union of Mine, Mill and Smelter Workers since early 1941, with the exception of a short period during World War II. According to the testimony of a former Communist Party official who also headed the die-casting division of the mine-mill union, Nathan Witt was one of the Communist Party's top men who acted as liaison between the party and a number of unions controlled by the party. Witt attended key party meetings where important decisions affecting the mine-mill union were made. These decisions, as party directives, were then put into effect by the union after being transmitted to its leaders by Witt, the same testimony revealed. The party's interest in maintaining control of the mine-mill union stemmed from the union's strategic position in the non-ferrous metals industry. This union was also expelled from the CIO in 1950.

In 1941 Nathan Witt was also counsel for the United Federal Workers of America. A 1944 report of the Special Committee on Un-American Activities found Communist leadership to be strongly entrenched in this union which "was formed as a result of a Communist-led split from the American Federation of Government Employees in 1937." It said the union had "fought tenaciously against all efforts to investigate and penalize civil-service employees for subversive activities."

In the late 1940's Witt was chief counsel for the New York Teachers Union, Local 555. This union was originally known as Local 5 of the American Federation of Teachers, AFL, but was expelled from the AFL in 1941 on charges of being Communist-dominated. The New York Teachers Union later became Local 555 of the United Public Workers of America, CIO, which the CIO in turn expelled in 1950 for adhering to the Communist Party line.

Harriet Bouslog (Sawyer), another identified Communist lawyer, has been legal representative for the International Longshoremen's and Warehousemen's Union since at least 1943. She served as its legal representative in Washington, D. C., from 1943 until the middle of 1946. In that year Mrs. Bouslog became the legal representative in the Territory of Hawaii for this international union, which was later expelled from the CIO for adhering to the Communist Party line.

Frank Donner has been identified as having been a Communist Party member as far back as the early 1940's when he was a lawyer for the National Labor Relations Board. Donner, who invoked the fifth amendment when he appeared as a witness before this committee in 1956, was recently named general counsel for the United Electrical, Radio and Machine Workers of America. This Communist-controlled union, which was ousted by the CIO in 1950, is the recognized bargaining agent for many thousands of workers in many of our vital defense industries. The UE in a recent pamphlet described its new counsel as being "recognized as one of the foremost authorities on NLRB law." It failed to mention that Donner was publicly identified as having been a member of a conspiratorial Communist cell while employed as an attorney at the National Labor Relations Board.

In addition, prior to their identification as Communists, certain lawyers succeeded in obtaining positions as counsel for unions not under the control of the Communist Party.

From 1938 to 1948, when he took a leave of absence to work for the Progressive Party, John Abt served as general counsel to the Amalgamated Clothing Workers of America, CIO. At the same time he left the Clothing Workers he also resigned as co-counsel to the CIO Political Action Committee.

Frank Donner was assistant general counsel for both the National CIO and the United Steelworkers of America, CIO, from 1943 to 1947.

Harry Sacher is an outstanding example of an identified Communist lawyer who represented both Communist-dominated unions and unions which were not under Communist control, and made a handsome living by doing so. It is estimated that at one time he earned over \$50,000 per year from his legal work in the labor-union field.

Sacher was attorney for the AFL Painters Council District 9 in New York City while Louis Weinstock, a member of the Communist

Party Politburo—and later a defendant in the first Smith Act trial—held the office of secretary-treasurer, the highest post in the Council. In the July 1947 Council election an anti-Communist slate headed by Martin Rarback defeated Weinstock and the other Communists who had controlled the Council for years. Sacher was then dropped as attorney for the Council.

One union in which the Special Committee on Un-American Activities in 1944 found Communist leadership to be “strongly entrenched” was the Transport Workers Union of America. The Committee on Un-American Activities noted in 1950 that this union had “tried to clean out the Communists.” Harry Sacher was general counsel for this union and for its large and powerful Local 100 in New York City throughout most of the 1940’s.

Michael Quill, president of the Transport Workers, in 1948 denounced Sacher as a “conniving member of the Communist Party,” and succeeded in having him ousted, first by Local 100 and later in the year by the international union, in what he (Quill) referred to as a “purge” of the left-wing elements which would permit the union “to operate as a natural trade union.”

During the same year Sacher was dropped as counsel for Local 802 of the AFL Musicians Union.

In the following year, 1949, Sacher lost his post as attorney for the United Shoe Workers of America. He managed, however, to retain his position as attorney for the union’s Joint Council 13 in New York City which was headed by Isidore Rosenberg. Two years later, in 1951, Rosenberg issued a statement saying, “I have abandoned my association with Communist activities because I found that association entirely inconsistent with my work for my union.” Sacher was then dropped as attorney for Joint Council 13.

In January 1951, the membership of Local 306 of the Motion Picture Machine Operators Union, AFL, held a meeting at which literature was passed out to the local members urging them to vote for the discharge of Sacher because of his “many Communist affiliations,” and in June of that year it was officially announced that he had “resigned” as the local’s attorney.

The following exhibit, reproduced from *The Worker*, January 21, 1951, demonstrates the acclaim Harry Sacher received from workers he represented even after he had been convicted of criminal contempt of court:

# Harry Sacher Sticks to the Fight for Labor

By Mel Fiske

Harry Sacher, the workers' lawyer whom the court judges and New York Bar Association are trying to disbar for defending the Communist "11" has his troubles. But last

week 4,000 shoe workers acclaimed him lavishly for the part he played in aiding them win a 10-cent an hour wage increase.

Packed into Manhattan Center to ratify the terms of a settlement, the 4,000 rocked the huge hall with applause for their fighting attorney.

Moved by the ovation, Sacher told the cheering shoe workers: "You don't know how much this means to me."

The tears of many older workers, seated in the first few rows of the hall, showed that they did.

Referring briefly to the frameup being applied against him, Sacher said "in my 20 years as a labor lawyer, I've made many enemies among employers and their lawyers in the bar association.

"They may try to put me in jail, or disbar me—but in your cause I'll always serve," he exclaimed.

\*

SINCE JUDGE Medina handed down his vindictive jail sentence against the attorney, the bar association has acted to stop Sa-

cher from practicing law entirely.

To the shoe workers, it was as if a boss were trying to throw one of the most active union leaders out of a shop for leading a fight to secure better wages and working conditions.

Just as they would spring to the defense of such a union leader, the shoe workers acclaimed their support of Sacher in his battle to reverse Medina's jail sentence and maintain his right to work in his chosen profession.

Sacher praised the fighting unity of the shoe workers. He said the two-week stoppage they conducted against the Shoe Manufacturers Board of Trade was a "credit and example to all unions in the country."



HARRY SACHER

It showed, he added, that "if contracts don't answer the needs of the working people, then it is contracts that must die and not

men, women and children."

The stoppage, he explained, was an "answer to the warmongers and profiteers and those who want to profit out of the blood and sweat and tears of the working people."

What was needed, he declared, was a fight for peace by the working people, "to bring peace and quiet and prosperity in the world."

That the shoe workers agreed with, too.

COMMUNIST LEGAL SUBVERSION

23

### LEADERSHIP IN COMMUNIST FRONTS

Identified Communist lawyers who assume prominent roles in the party's front organizations and special propaganda campaigns furnish another important type of extralegal service to the Communist Party.

West Coast lawyer Aubrey Grossman, who has been an official of the Communist Party itself, served for years as West Coast director and then national organizational secretary or director of the party's legal front, the Civil Rights Congress. During this assignment, the Civil Rights Congress went into high gear in a fund-raising and propaganda campaign in behalf of the national Communist Party officials prosecuted under the Smith Act. In speeches throughout the country and in published articles, Mr. Grossman, billed as an attorney and civil-rights expert, spread the Communist Party line regarding alleged unjustified persecution of Communist leaders, attacked the American jury system, and even advised Americans to refuse to cooperate or talk with representatives of the Federal Bureau of Investigation.

In behind-the-scenes operations of Communist-front organizations such as the Civil Rights Congress, the identified Communist lawyer has also been known to play roles in direct contravention of the ethical standards required of a member of the bar.

A former undercover agent within the Communist Party, who was assigned by the party to work with the Civil Rights Congress in San Diego, described how the CRC was required to develop a propaganda campaign in defense of a San Diego man involved in legal proceedings, although the case involved no Communist issue. The witness testified that the Communist Party was not interested in the man's innocence or guilt, but was concerned only with exploiting the case for propaganda purposes to benefit the party. The witness and other San Diego Communists who were required to conduct this CRC campaign received personal instructions from Richard Rykoff, an identified Communist lawyer of Los Angeles, on what steps to take to conceal the real Communist purpose behind their campaign.

### CANDIDATES FOR PUBLIC OFFICE

Political activity and the acquisition of political power are vital to Communist success in taking over any country. For this reason the party has always encouraged its members (both open and secret) to run for public office. Their campaigns serve as sounding boards for party propaganda in the party's efforts to influence not only public opinion but also legislation and governmental policy.

Communist attorneys are particularly valuable to the conspiracy in this endeavor because lawyers are so widely accepted by the public as especially qualified for public office.

The Communist Party today usually establishes "front" or cover political parties as a means of getting its candidates into public office. Even in cases in which the party feels certain that there is little chance that any of its candidates will be elected through this device, it still considers such activity vital. It has learned through experience that a political campaign is the most effective means at its disposal for reaching large numbers of people with the Communist Party line on key national and local issues.

The Independent Progressive Party, a political organization in the State of California which the Communist Party secretly controlled and directed in an effort to advance its influence in American political life, frequently exploited the prestige of the legal profession by selecting identified Communist lawyers as candidates for political office. Typical of such candidates were Bertram Edises and Charles R. Garry, of San Francisco. Mr. Edises was a candidate for district attorney of Alameda County on an IPP ticket in 1950, and Mr. Garry aspired to a seat in the United States Congress under IPP auspices in two elections during the same period. Publicity surrounding their campaigns, omitting any reference to their connections with the Communist Party, emphasized the alleged prominence of these candidates as "labor" or "civil rights" lawyers.

The American Labor Party in New York, which has been cited as another "political front organization"<sup>22</sup> enabling the Communists to present their candidates under other than a straight Communist label, has also picked identified Communist lawyers as candidates for important public office. For example, Morris Zuckman, who has been engaged in law practice in Albany, N. Y., since the 1930's, was the American Labor Party's candidate for mayor of Albany in 1949. Mr. Zuckman was identified as a member of the Communist Party by a number of witnesses before this committee, and he has refused to answer this committee's questions regarding his party activity on the grounds of possible self-incrimination.

#### PROPAGANDISTS FOR COMMUNIST CAUSES

Identified Communist lawyers have appeared time and time again as featured speakers at public rallies held to promote Communist objectives, and as lecturers in Communist-operated institutions such as the Jefferson School of Social Science in New York and the California Labor School in San Francisco.

John J. Abt, the former leader of one Communist underground espionage group of United States Government employees, was cleverly publicized as a "noted constitutional authority" when appearing as speaker against the Walter-McCarran Act at a rally sponsored by the Communist front, the American Committee for Protection of Foreign Born. The organization before which he appeared has as one of its key aims destruction of our Government's security legislation.

Such exploitation of a lawyer's prestige and speaking ability undoubtedly has aided the Communist Party in its efforts to recruit sympathizers within the vast non-Communist majority of our Nation. Take, for example, the activities of Maurice Braverman, a Baltimore, Md., lawyer who served on the top governing body of the Communist Party organization for the State of Maryland and the District of Columbia.

Mr. Braverman was indicted in 1951 under the Smith Act for conspiracy to advocate violent overthrow of the United States Government. Prior to his trial, he spoke before Yale University law students in their law-school auditorium through an "invitation" from the student chapter of the Communist front, the National Lawyers

<sup>22</sup> Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.

Guild. In a subsequent interview appearing in the Daily Worker, Mr. Braverman stated that many of the Yale law students showed concern that the Government was prosecuting Communist leaders under the Smith Act, and that he had impressed some students to such an extent that they offered to help him in "legal research" for his defense in the forthcoming trial.

It is evident from just the few examples of Communist exploitation of the legal profession cited here that the Communist Party gains tremendously by having its members admitted to the bar. The party has obviously long been aware that a lawyer's special training and prestige can lead to positions of prominence in our society where he can wield substantial influence extending far beyond the limits of his routine professional activities. The Communist Party has also taken full advantage of the fact that non-Communists are not generally ready to suspect that anyone with the attainments and unique privileges of a lawyer would also serve as an agent of the Communist conspiracy.

#### **CASE HISTORIES OF SOME IDENTIFIED COMMUNIST LAWYERS**

This report hereafter presents a more detailed description of publicly recorded activities engaged in by certain lawyers who have been identified as members of the Communist Party.

The lawyers referred to below represent only a small percentage of the identified Communists within the legal profession. They have been selected for inclusion in this report because they exemplify patterns of activity which have aroused the concern of this committee. It should also be noted that their records here are limited to that information which is available in public hearings or in public material contained in this committee's files.

##### **JOHN J. ABT, NEW YORK**

Whittaker Chambers testified before this committee on August 3, 1948, that in the early 1930's John J. Abt was a member of the so-called Ware-Abt-Witt group which was composed of Communist Party members employed by various agencies of the United States Government. Abt held legal posts with various United States Government agencies from 1933 until the summer of 1938; he was in the Legal Division of the Agricultural Adjustment Administration of the Agriculture Department when Chambers knew him. Chambers stated that this underground Communist group to which Abt belonged was organized to carry out the Communist Party's plan to work its members into high, policymaking positions in our Government, with espionage as one of its eventual objectives.

Elizabeth Bentley, who served as courier between Soviet agents and Communist employees of the Federal Government in the early 1940's, described another so-called "Perlo group" of Communists in the Government in sworn testimony before this committee on July 31, 1948. The Perlo group, according to Miss Bentley, was an underground group of Communists which had been operating since the early 1930's in the Federal Government and which had been collecting informa-



tion for the benefit of the Soviet Union for some years. Miss Bentley testified that John Abt was the leader of the Perlo group before she herself took it over in March 1944, and that she met Mr. Abt twice for the purpose of being introduced to the members of the group.

At a hearing by this committee on August 20, 1948, Abt was given an opportunity to refute these charges, but declined to answer questions regarding them on the grounds of possible self-incrimination. As a witness before the Senate Internal Security Subcommittee on May 26, 1953, he again invoked the fifth amendment in refusing to answer questions regarding Communist activities.

In 1948, John Abt became special counsel for the Progressive Party, a Communist-controlled organization through which the Communists were enabled to present their candidates for elective office under other than a Communist label. Abt was a delegate to the second annual convention of the Progressive Party held in 1948 at the Knickerbocker Hotel, Chicago. He was a member of the national committee in 1950 and a member of the committee on candidates' declaration in 1952. The same year he was secretary of the platform committee of the third national convention, held at the Ashland Auditorium in Chicago. The Progressive Party held a dinner to celebrate his 50th birthday in 1954.

John Abt was active in the Civil Rights Congress, an organization formed in 1946 as a merger of two other Communist-front organizations (International Labor Defense and the National Federation for Constitutional Liberties) and dedicated to the defense of individual Communists and the Communist Party. By making special appeals in behalf of civil liberties, the Civil Rights Congress reached far beyond the confines of the Communist Party itself.

In 1953 the Civil Rights Congress held a "Peoples Conference To Fight the McCarran Law Persecutions and McCarthyism." Abt delivered the keynote address in which he attacked the Internal Security Act as an American kind of fascism aimed at paralyzing all opposition. "The act," he said, "is rooted in the Big Lie of our time—the lie as to the nature of communism." He declared that the Communist Party is "condemned for views which concededly may be true and good."

This speech was later published by the Civil Rights Congress in booklet form. In order to lend greater weight to his Communist Party line analysis the booklet listed some of his former positions: "Mr. Abt was formerly chief counsel to the La Follette Civil Liberties Committee (Senate Committee on Education and Labor); special assistant to the United States Attorney General; and general counsel of the CIO Amalgamated Clothing Workers."

In 1937 John Abt was employed by the Department of Justice as an assistant to the Attorney General in charge of the trial section of the Antitrust Division. He was at the same time a member of the committee on civil rights and liberties of the National Lawyers Guild, cited as the foremost legal bulwark of the Communist Party, which, since its inception, has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents.

The November–December 1945 issue of the Lawyers Guild Review, organ of the National Lawyers Guild, contained an article by Abt

titled "Some Observations on Soviet Law and Lawyers." Mr. Abt's article was based on his observations during a visit to the Soviet Union in 1945. In spite of the notorious police state justice of the Soviet Union, Abt reported how impressed he was with the stern but fair attitude of prosecutors and judges and the scrupulous care given to safeguard the rights of defendants and to assure them a full and fair trial.

He attended a conference of the World Federation of Trade Unions held in Paris in 1946, acting in the capacity of adviser. In 1947, Abt's passport was again revalidated for travel to Prague, Czechoslovakia, where he attended another conference of the World Federation of Trade Unions, the Kremlin's worldwide labor organization.

After his return to this country, Abt wrote a series of articles for Soviet Russia Today, a Communist-controlled magazine which his wife, Jessica Smith, edited. Two of the articles gave an approbatory report of the methods used by the Russian labor unions to settle grievances and the Russian health insurance plans.

The American Committee for Protection of Foreign Born is one of the oldest auxiliaries of the Communist Party in the United States. John Abt was one of the lawyers saluted at a dinner held under the auspices of the ACPFB in October 1956.

He delivered an address on "What the New Laws Really Mean" at the Arts, Sciences, and Professions Council, Sunday Night Forum in New York, September 24, 1954. This Communist-front organization was used by the Communist Party to appeal to special occupational groups.

In November of 1954, John Abt was one of the teachers of a course on the "Bill of Rights: Its Theory and Politics," offered at the Jefferson School of Social Science, one of the Communist Party schools used to indoctrinate Communists and outsiders in the theory and practice of communism, and to recruit new party members and sympathizers.

In 1949 Abt issued a statement denouncing the conviction of the 11 Communist leaders under the Smith Act as an imposition of thought control. He was one of the lawyers who signed a brief petitioning the United States circuit court of appeals to void the contempt convictions of the lawyers who defended the Communist leaders.

Continuing his support of these party leaders, he was speaker at a rally of the National Conference To Win Amnesty for Smith Act Victims held in New York in June 1952, and was speaker and chairman of a rally of the National Committee To Win Amnesty for Smith Act Victims held at Chateau Gardens, New York, on June 10, 1954.

#### GEORGE R. ANDERSEN, CALIFORNIA

George Andersen was identified as a member of the Communist Party in San Francisco by Mrs. Dorothy Jeffers, former Federal Bureau of Investigation undercover agent within the party, who testified before this committee on June 21, 1957.

Mr. Andersen has been prominent in Communist-controlled organizations particularly designed to provide legal defense for the Communist Party. In 1922, the Communist International established the International Red Aid with the idea that it would have sections in various countries of the world. The American section of the Inter-

national Red Aid was the International Labor Defense, which served as the legal defense arm of the Communist Party in this country. Andersen was a member of the national committee of this Communist-controlled organization in the early 1940's and was also on its legal advisory board.

The International Red Aid held its second international conference in Moscow. As a result of this conference a number of directives were issued in connection with juridical questions then facing the Communists.

Among the directives were: "The proletariat must gather and organize those lawyers and learned barristers in various countries who sympathize with the liberation struggle and are prepared, together with the legal bureau of the IRA, to assist and give legal help to the victims of the class domination of the bourgeoisie \* \* \*

"To organize legal bureaus in every country where they do not yet exist and where this is possible, in particular in England, the U. S. A. and Japan \* \* \*

"To strive to enlarge the number of lawyers who take part in this work by attracting more and more new cadres of lawyers and jurists who can be stimulated by their own interests and their sympathy with the revolution to gather around the IRA legal bureau."

George Andersen helped to found a "legal bureau" established in response to this directive in the United States in the early 1930's under the name of the International Juridical Association. He served on the national committee of this Communist-controlled offshoot of the International Labor Defense in 1942. In the same year, he was legal adviser for the Committee for Citizenship Rights, which was intended to protect Communist subversion from any penalties under the law.

In 1942 the IJA quietly disappeared from the scene, and its Bulletin of December 1942 announced that hereafter "the Bulletin will be published as an integral part of the Lawyers Guild Review. \* \* \*"

One of the reasons given by the Bulletin for this merger was because "the opportunity now offered for joining forces with the National Lawyers Guild \* \* \* we believe will more than repair our capacity to produce and, also, greatly widen the area of our influence."

Andersen, an active member of the IJA, was also one of the leaders of the National Lawyers Guild. In 1937, just a year after the formation of this foremost legal bulwark of the Communist Party, Andersen was serving as director of its San Francisco chapter. He served on the guild's national executive board in 1956-57.

The American Committee for Protection of Foreign Born in 1947 named Mr. Andersen as one of its "local counsel" in San Francisco. He has frequently appeared as speaker at affairs of the San Francisco branch of the ACPFB, known as the Northern California Committee for Protection of Foreign Born. In 1954, the Northern California Committee tendered Mr. Andersen a testimonial dinner.

Mr. Andersen was a candidate for Congress on the ticket of the Communist-created Independent Progressive Party in 1954. Statements of ownership filed by the West Coast Communist organ, the Daily People's World, showed that Mr. Andersen was a stockholder in the newspaper's publishing company in the years 1947, 1949, and 1952-54. His services as a speaker have been utilized by such other

Communist-controlled organizations as the San Francisco chapter of the Civil Rights Congress.

**SELMA MICKELS BACHELIS, CALIFORNIA**

Selma Bachelis was identified as a member of the Communist Party in Los Angeles by the following former party members in sworn testimony before this committee: David Aaron, January 23, 1952; Albert Herzig, January 23, 1952; A. Marburg Yerkes, January 24, 1952; William G. Israel, January 25, 1952; Milton Tyre, December 14, 1951; and Charlotte Darling Adams, June 2, 1953.

Mrs. Bachelis was described in 1950 in the Communist organ, Daily People's World, as a local Civil Rights Congress attorney. She was then engaged by the CRC to represent three women arrested for passing out to Lockheed aircraft workers leaflets entitled "What Are U. S. Troops Doing in Korea?" Mrs. Bachelis had signed an appeal issued in 1948 by the Los Angeles chapter of the Civil Rights Congress in behalf of individuals cited for contempt for refusing to answer questions before a grand jury investigating Communist activities in Los Angeles. She was also one of the financial contributors to the publication of the Civil Rights Congress booklet entitled, "Civil Rights Congress Tells the Story."

Mrs. Bachelis endorsed the candidacy of LaRue McCormick, candidate for the California State Senate on the Communist Party ticket in 1942. In the same year, she sponsored petitions for the release of Earl Browder from a Federal penitentiary, and sent greetings to the Second Soviet Anti-Fascist Youth Conference in Moscow.

In a letter to the editors of the West Coast Communist publication, the Daily People's World, on February 29, 1952, Mrs. Bachelis noted that the editors were then defendants in Smith Act proceedings by the Government and concluded that the paper "deserves support of all your countrymen who value the precious tradition of free press."

**HARRIET BOUSLOG, HAWAII**

Harriet Bouslog (Mrs. Harold Sawyer) was identified as a member of the Communist Party in Hawaii by a former fellow party member, Jack Kawano, who testified before this committee on July 6, 1951. She was also identified as a Communist Party member by former Communist Dorothy Funn, who appeared as a witness before the committee on May 4, 1953. Mrs. Bouslog appeared as a witness before the Senate Internal Security Subcommittee at hearings held in Hawaii on December 5, 1956, and invoked the fifth amendment in refusing to answer questions regarding Communist affiliations.

Since the mid-1940's, Mrs. Bouslog has served as attorney for the International Longshoremen's and Warehousemen's Union, which was expelled from the CIO in 1950 for adhering to the Communist Party line. Mrs. Bouslog was legal representative for the ILWU in Washington, D. C., from approximately 1943 until the middle of 1946. It was during this period that Mrs. Funn testified she had associated with Mrs. Bouslog in Communist Party activities in Washington. In 1946, Mrs. Bouslog returned to the Territory of Hawaii, where she has since served as legal representative for the ILWU in the Territory.

Mrs. Bouslog's activities in behalf of the Communist Party in Hawaii were described by Mr. Kawano. In Communist discussions prior to the emergence of the Communist Party of Hawaii as an open, rather than underground, organization in 1948, Mrs. Bouslog argued that an aboveground party apparatus would help both the party and the ILWU, Kawano reported. Mrs. Bouslog, he said, observed that the ILWU had been taking the brunt of opposition to Communist activities and that some of this opposition could be diverted to an open Communist Party.

The degree of influence among non-Communists that can be attained by a Communist working as a member of the legal profession was strikingly demonstrated by Mr. Kawano's testimony regarding Mrs. Bouslog and another ILWU attorney in Hawaii, Myer C. Symonds.<sup>23</sup> Mr. Kawano said:

\* \* \* as far as the influence of the two lawyers, Harriet Bouslog and Myer C. Symonds, is concerned, they have made quite a reputation for themselves in the islands. There are a lot of independent people outside of the labor movement today looking up to them as good lawyers. I have heard a lot of rumors among outsiders—because today I am one of the outsiders—and the talk among outsiders today is that, if you have a case and you cannot afford to lose the case, then the lawyer to get is either Bouslog or Symonds, because they work for a cheap fee, and work like the dickens, and usually win the case. \* \* \*

Another thing. A lot of people who are not Republican and not Democratic, but to some extent used to have personal friends, some had Republican friends and some Democratic friends, and whenever they had problems they used to run up to the Republicans or to Democrats, today they are running to Bouslog and Symonds. Those people are not the most influential people in town, but they are influential and a lot of people are following them. \* \* \* The influence of Harriet Bouslog is growing \* \* \*.<sup>24</sup>

Harriet Bouslog acted as one of the defense attorneys for seven defendants in Hawaii tried and convicted of conspiracy to advocate violent overthrow of the United States Government. Mrs. Bouslog was found guilty of "gross misconduct" during the course of her appearance as counsel during this Smith Act trial, and the Territorial supreme court, by unanimous action on April 6, 1956, ordered Mrs. Bouslog suspended from the practice of law for 1 year.

Richard Kageyama, a former Communist Party member in Hawaii, who testified frankly before the committee regarding his knowledge of Communist activities in the Territory, described an attempt by party officials to prevent him from giving information to the committee. Mr. Kageyama said that, prior to the arrival of the committee in the Territory, he had been visited by Charles Fujimoto, chairman of the Territorial Communist Party, and warned not to be a "stool pigeon." Mr. Kageyama was advised by Mr. Fujimoto to take any subpoena he might receive from this committee to lawyer

<sup>23</sup> Myer C. Symonds appeared as a witness before the Senate Internal Security Subcommittee on December 5, 1956, and invoked the fifth amendment rather than answer questions regarding Communist Party membership or activities.

<sup>24</sup> Hearings Regarding Communist Activities in the Territory of Hawaii, pt. 4, House Committee on Un-American Activities, July 6, 1951, pp. 50 and 51.

Bouslog. Easter J. Doyle, another former Communist Party member who cooperated fully as a witness before the committee, also informed the committee that he had disregarded instructions from Ernest Arena, an identified Communist and local ILWU official, to take any subpoena from this committee to ILWU Lawyers Bouslog and Symonds.

One of the Communist-front organizations in which Mrs. Bouslog has been active is the Hawaii Civil Liberties Committee, an ostensible civil-rights group which this committee found to be the "most effective sounding board for communism in the Territory of Hawaii." HCLC records in the possession of the committee show that the front organization has made a number of financial disbursements to Mrs. Bouslog for "legal expenses," among them her work in connection with the defense of two identified Communists dismissed from teaching positions in the Territory. Mrs. Bouslog has frequently been a featured speaker at HCLC meetings. When the HCLC, in 1948, sponsored a speaking tour of the islands by Celeste Strack, openly avowed educational director of the California Communist Party, Mrs. Bouslog shared the speaking platform with Miss Strack at her Honolulu lecture.

Mrs. Bouslog was elected a member-at-large of the executive board of the National Lawyers Guild at the 1956 and 1957 conventions of the guild.

#### MAURICE LOUIS BRAVERMAN, MARYLAND

Maurice Braverman was known to three witnesses who testified before this committee as a member of the top-level district committee which governed the Communist Party organization within the District of Columbia and the State of Maryland. Mr. Braverman's activities within the Communist Party were described by Henry Thomas, active in the District of Columbia Communist Party from the late 1930's until 1949, who testified on December 6, 1950; by Dorothy Funn, a party member in Washington, D. C., from 1943 to 1946, who testified on May 4, 1953; and by Mary Stalcup Markward, a Federal Bureau of Investigation undercover agent within the party from 1943 to 1950, who testified on July 11, 1951.

Mrs. Markward stated that Mr. Braverman did legal work for the Communist Party. As an example, she said he handled the legal action involved in a \$1,500 legacy to the Communist Party in Washington, D. C., in the mid-1940's. The party, which had temporarily changed its name to the Communist Political Association, had to prove it was the same organization as that designated by the legacy.

Mr. Braverman appeared as attorney for William Rosen, when the latter was subpoenaed before this committee in August and September 1948 for the purpose of clarifying certain aspects of the Alger Hiss case. Mr. Rosen on both occasions invoked the fifth amendment in refusing to give any information to the committee relating to the Hiss case or to his own current activities in the Communist Party. Thereafter, the committee called Mr. Braverman as a witness on September 9, 1948, explaining that it was interested in knowing if the Communist Party had instructed him to prevent Rosen from testifying frankly. Mr. Braverman, admitting to the committee that he had provided legal representation for the Communist Party in the past, refused on grounds of self-incrimination to state whether or not

he was a member of the Communist Party or whether or not the party put him in touch with Rosen as a client. A member of the committee then advised Mr. Braverman that: "The caliber of the answers of Mr. Rosen, your client, raises grave suspicion in the minds of the committee that a conspiracy to commit contempt has been established. This committee and all other committees of Congress will continue to have all the respect for the efforts of the law and lawyers, attorneys, but it is not beyond the bounds of possibility that an attorney, too, is a traitor to his country."

In 1951, he was arrested along with other Maryland Communist Party leaders under provisions of the Smith Act; during the following year he was tried and convicted of violating the Smith Act by conspiring to advocate forceful overthrow of the United States Government; his sentence was a \$1,000 fine and a 3-year prison term, completed in 1955. Subsequent to his conviction under the Smith Act, Mr. Braverman was barred from practice in Maryland courts and Federal courts.

Mr. Braverman's service to Communist-front organizations included membership on a special committee of the Baltimore chapter of the National Lawyers Guild in 1946. After his indictment under the Smith Act in 1951, Mr. Braverman accepted an invitation of the guild's student chapter at Yale University to address Yale law students in the law school auditorium. In a subsequent interview appearing in the Daily Worker, Mr. Braverman boasted that, as a result of his speech at Yale University, many law students showed concern that the Government was prosecuting Communists under the Smith Act and that some law students were so impressed they offered to help Mr. Braverman with "legal research" for his defense as a Smith Act defendant. Mr. Braverman, although indicted on criminal charges of conspiracy to advocate violent overthrow of our Government, had given the students the usual party-line propaganda that the Government was using the Smith Act "to stop the peace movement and the fight for Negro rights."

Mr. Braverman has also signed his name to a Communist propaganda statement issued by the Baltimore County Committee for Peace, and has sent greetings to a national gathering of the Communist-controlled American Committee for Protection of Foreign Born.

#### JOHN CAUGHLAN, WASHINGTON STATE

John Caughlan was identified as a member of the Communist Party in Seattle by two former party members, Elizabeth Boggs Cohen and Barbara Hartle. These witnesses, testifying before this committee on May 28, 1954, and June 16, 1954, respectively, both stated that Mr. Caughlan handled the Communist Party's legal work. In addition to handling law cases involving the party, Mrs. Hartle reported that Mr. Caughlan's duties as party attorney included advising party functionaries of procedures to be followed in regard to subpoenas served by the Washington State Committee on Un-American Activities during that committee's investigation of local Communist activities.

Mr. Caughlan was subpoenaed as a witness before this committee on June 19, 1954, but refused to answer all questions regarding membership in the Communist Party on grounds of the fifth amendment. Called again as a witness on December 14, 1956, Mr. Caughlan denied

party membership at the time of his appearance but again invoked the fifth amendment regarding previous party activities.

Mr. Caughlan was described by the Daily People's World, West Coast Communist newspaper, as Washington State's "foremost fighter" against the Washington State Committee on Un-American Activities. It was noted that he had challenged the constitutionality of the local investigating committee by filing a referendum petition with the Secretary of State and, when this action was unsuccessful, he had carried equally vain challenges of the committee as far as the State supreme court.

The legal talents of Mr. Caughlan have benefited a number of front organizations of the Communist Party. In the early 1940's, Mr. Caughlan was retained by the International Labor Defense, then "legal arm of the Communist Party," to institute legal proceedings on behalf of certain dismissed WPA workers. Committee files record him as a member of the executive board of the National Lawyers Guild during the years 1949, 1950, 1956, and 1957.

He has served as attorney for the Washington Pension Union, a Communist-controlled organization which helped the party achieve great political influence in the Pacific Northwest area. He has also acted as legal representative for unions whose adherence to the Communist Party line resulted in their expulsion from the CIO, namely: the International Longshoremen's and Warehousemen's Union, National Union of Marine Cooks and Stewards, International Union of Fishermen and Allied Workers, and the Food, Tobacco, and Agricultural Workers of America.

Mr. Caughlan has also been active in the affairs of the Washington Committee for Protection of Foreign Born, usually in the capacity of speaker at its meetings.

In 1948, Mr. Caughlan was a candidate for the Washington State Legislature on the Progressive Party ticket. The Progressive Party has been cited as one of the largest and most successful fronts ever created by the Communists.

Committee files show that Mr. Caughlan has also been a member of the Civil Rights Congress in Seattle, and a trustee of its bail trust fund. Testimony of such former high-ranking Communists as Bella Dodd and Barbara Hartle before the Subversive Activities Control Board demonstrated that the Communist Party had organized the Civil Rights Congress to take care of party members implicated with the law and, from the beginning, had stressed the need for the Civil Rights Congress to raise bail funds which the party in its own name could not as successfully amass.

Testimony before the SACB showed that these bail fund drives accelerated after the indictment of national party leaders under the Smith Act in 1948, and that hundreds of thousands of dollars were subsequently paid from the funds for bail for Smith Act defendants or party leaders and members subject to deportation proceedings. In Seattle, the Civil Rights Congress bail trust fund was established in 1948 with trustees, including Mr. Caughlan, who were all identified Communist Party members.

Mr. Caughlan has also served on the executive committee of such Communist fronts as the Washington Commonwealth Federation and the Washington State Committee for Freedom for Earl Browder.



**FRANK J. DONNER, NEW YORK**

Frank Donner was identified by a number of witnesses before this committee as a member of a Communist cell comprised of lawyers employed by the National Labor Relations Board in Washington, D. C.

Herbert Fuchs, a former Communist who had helped to organize this cell in 1937 and actively participated in it until his transfer from Washington in 1942, testified on December 13, 1955, that Frank Donner was one of the NLRB lawyers who joined his conspiratorial Communist group.

On December 14, 1955, Mortimer Riemer, another former member of the Communist cell in the NLRB, confirmed Fuchs' testimony regarding Frank Donner. Donner was again identified by ex-Communist Harry Cooper on March 1, 1956.

Frank Donner, on June 28, 1956, appeared as a witness before this committee. Although admitting he was employed by the NLRB from 1940 until 1945 in the Litigation Section, he invoked the first and fifth amendments when he was questioned concerning Communist Party membership and affiliations. Mr. Donner was confronted with a United States Civil Service Commission questionnaire he had signed on June 2, 1943, while employed by the NLRB. On this official form, he had replied "no" to a question as to whether or not he held membership in a Communist organization. Conceding that the signature was his, Mr. Donner nevertheless invoked the fifth amendment when asked by the committee if he had been "truthful" in this statement to the United States Government.

Frank Donner was recently named general counsel for the United Electrical, Radio and Machine Workers of America. This Communist-controlled union, which was ousted by the CIO in 1950, is a recognized bargaining agent in many of our vital defense industries. The UE in a recent pamphlet described its new counsel as being "recognized as one of the foremost authorities on NLRB law." It failed to mention that Donner was publicly identified as being a member of a conspiratorial Communist cell while employed as an attorney at the NLRB in the 1940's.

Frank Donner was one of the principal speakers at the Ninth Annual Convention of the National Lawyers Guild held in February 1949. In 1953 he was elected a voting member of the board of directors at the annual meeting, and chairman of the conference working group of the national conference of the guild to be held in October at the Barbizon Plaza. He was again elected to the board of directors in 1954.

At a dinner sponsored by the American Committee for Protection of Foreign Born on October 11, 1956, one of the lawyers saluted for their work aiding this Communist-controlled organization was Frank Donner.

Donner has on different occasions been engaged as a speaker for the Emergency Civil Liberties Committee, an organization cited as Communist controlled by the Internal Security Subcommittee of the Senate Judiciary Committee. Speaking on such topics as "Informers as a Means of Suppression," and "Informers as Tools," Donner has excoriated all individuals who have been of assistance to congressional committees.

**BENJAMIN DREYFUS, CALIFORNIA**

During this committee's hearings in San Francisco, Calif., in June 1957, Jack Patten, a former member of the Communist Party, identified Benjamin Dreyfus as a member of the Communist Party cell to which Patten had belonged.

Benjamin Dreyfus was summoned to appear before the committee on June 21, 1957, and asked to either confirm or deny the testimony of Patten. Dreyfus refused to answer and invoked the fifth amendment as one of the grounds.

A member of the National Lawyers Guild for many years, Mr. Dreyfus was elected secretary of the San Francisco chapter in 1941, treasurer in 1944, executive secretary in 1945, and secretary in 1947, 1949, and 1950. In 1954 he was a delegate from the Bay area to the 19th annual convention of the National Lawyers Guild in Chicago. He was elected to the executive board at the 1956 convention and again in 1957.

Dreyfus has been active in another standby of the Communist Party, the Civil Rights Congress. In 1949 he was toastmaster at a Civil Rights Congress dinner that was the kickoff in a campaign of protest against Judge Harold R. Medina's refusal to grant bail to 11 Communist leaders convicted under the Smith Act. He has endorsed the CRC campaign against anti-Communist legislation and against the deportation of Communists. Dreyfus has protested the conviction of Communist leaders by signing statements in their behalf.

In 1957 Dreyfus was an instructor at the California Labor School, one of the Communist Party schools operated for the purpose of indoctrinating Communists and outsiders in the theory and practice of communism and training Communist organizers and operatives.

**BERTRAM EDISES, CALIFORNIA**

This committee made an investigation of Communist activities in the San Francisco, Calif., area in 1953. At the hearings held on December 3, Bertram Edises was identified as a member of the political affairs committee of the Communist Party by Charles D. Blodgett, a former Communist and former reporter for the Daily People's World. He was again identified on June 19, 1957, by Dr. Jack Patten, another former Communist who recognized the ideological fallacies of the Communist Party line.

Edises has served as a member of the legal staff of the East Bay Civil Rights Congress since its inception. As a matter of fact, it was brought out in sworn testimony that Edises was assigned by the Communist Party to work with the Civil Rights Congress in the East Bay area. In 1947 he was chairman of the organization, and he has also held the positions of general counsel and chief counsel of this Communist-front organization. The CRC retained Edises to represent certain defendants in both State and Federal courts.

The activities of Bertram Edises on behalf of the Communist Party have not been confined to the Civil Rights Congress. In 1944 he was elected as an alternate member of the State committee of the Communist Political Association. In 1950 he was a candidate of the Independent Progressive Party for district attorney of Alameda County.

Edises was one of the Bay area lawyers who, in a 1949 statement,

protested the action of Judge Medina when the judge sentenced a group of defense lawyers for contempt as a result of their conduct in the Smith Act trial of top Communist Party leaders in New York.

An article by Bertram Edises appeared in the summer 1958 edition of the National Lawyers Guild publication, the Lawyers Guild Review, in which Edises again attacked the contempt sentences against the lawyers in the New York Smith Act trial. Entitled "Contempt of Court and the Lawyer: the Unequal Combat," the article classified legal proceedings involving Communist leaders as "political trials" in which "the courts are used for the State's attempted suppression of unpopular opinion." Declaring that such trials "have been productive of bad law and bad tempers," Edises asserted that, "It is therefore no accident that among the least defensible decisions in contempt cases have been those arising directly or indirectly out of the anti-Communist hysteria."

Some of the other Communist-front organizations supported by Edises are the Washington Committee for Democratic Action, an organization whose alleged purpose was defending civil liberties in general but actually intended to protect Communist subversion from any penalties under the law, and the American League for Peace and Democracy, an organization which was nothing more nor less than a bold advocate of treason. The California Labor School had Edises' services as a teacher. He also supported the Committee for Peaceful Alternatives to the Atlantic Pact, a Communist front which sought to paralyze America's will to resist Communist aggression by idealizing Russia's aims and methods. The Daily People's World, a Communist propaganda organ which, according to the sworn testimony of one of its former reporters, was used for directing the Communist movement and giving instruction to the fringe of the Communist movement, has had the support and praise of Bertram Edises for many years.

#### PAULINE EPSTEIN, CALIFORNIA

Pauline Epstein was identified as a member of the Communist Party by three fellow lawyers who had participated in party activities with her. The former Communist lawyers, David Aaron, A. Marburg Yerkes, and William G. Israel, testified before this committee on January 23, January 24, and January 25, 1952, respectively.

Miss Epstein was subpoenaed as a witness before the committee on September 30, 1952. She stated she had been engaged in the practice of law in Los Angeles since December 1933 but refused to answer all questions relating to Communist Party membership on the grounds of possible self-incrimination.

When Henry Steinberg, legislative director of the Los Angeles County Communist Party, was arrested in 1951 under the provisions of the Smith Act, Miss Epstein appeared as speaker at a meeting to organize a defense committee for Steinberg and raise funds for his benefit.

As an attorney retained by the Communist-controlled Los Angeles Committee for Protection of Foreign Born, Miss Epstein was assigned to represent several individuals facing deportation proceedings in the early 1950's based on membership in the Communist Party. Miss Epstein presided over a legal panel at the annual conference of the Los Angeles committee in February 1953.

In 1951 and 1952, Miss Epstein served as treasurer of the Los Angeles chapter of the National Lawyers Guild. She was elected to the executive board of the national guild organization at the guild's 1956 and 1957 conventions.

Miss Epstein was one of the signers of a motion asking the United States Supreme Court for permission to file a brief for a rehearing in the case of six Baltimore, Md., Communists subject to Smith Act proceedings.

Committee files show that Pauline Epstein was scheduled as speaker at an American Russian Institute program on November 6, 1953, to commemorate the 36th anniversary of the founding of the Soviet Union. The Civil Rights Congress listed her as one of the financial contributors to its publication, *Civil Rights Congress Tells the Story*.

#### J. ALLAN FRANKEL, CALIFORNIA

J. Allan Frankel, who has practiced law in Los Angeles since 1911, was named as a member of a special lawyers' group of the Communist Party in Los Angeles by three former associates in the party, Lawyers David Aaron, A. Marburg Yerkes, and William G. Israel. The former Communists testified before this committee on January 23, 24, and 25, 1952, respectively. Mr. Frankel was also identified as a Communist by Dr. Louise Light Silver, who testified regarding her past activities in the Communist Party in Los Angeles in a January 21, 1952, appearance before this committee.

Subpenaed as a witness before the committee on October 1, 1952, Mr. Frankel invoked the fifth amendment rather than answer questions regarding Communist Party membership.

Mr. Frankel's legal training has been put at the service of such Communist-controlled organizations as the American Committee for Protection of Foreign Born. In 1947 the ACPFB announced that Mr. Frankel had accepted a designation as its counsel for the Los Angeles area. As such, Mr. Frankel was required to represent this Communist front in his community and to serve in any local legal cases the organization chose to initiate. Mr. Frankel's role with the organization was not limited to legal work. The committee has in its files a canceled check in the sum of \$100 which was issued to Mr. Frankel on November 25, 1953, by the Los Angeles Committee for Protection of Foreign Born. A notation on the check stated the Los Angeles branch of the ACPFB was repaying Mr. Frankel for a loan on March 27, 1951.

Mr. Frankel's name and professional status appear on a number of propaganda petitions issued by the Civil Rights Congress—for example, a 1948 petition in behalf of Communists indicted for contempt for failure to answer questions before a Los Angeles grand jury, and a 1951 appeal to the United States Attorney General in behalf of four jailed trustees of the bail fund of the New York Civil Rights Congress. In the latter period a CRC booklet, *Civil Rights Congress Tells the Story*, carried Mr. Frankel's name as one of the financial contributors to the publication.

Mr. Frankel served on the legal advisory committee of the International Labor Defense in the 1930's. In more recent years he has been active in the National Lawyers Guild. He was listed as a member of the civil rights committee of the Los Angeles chapter of the

guild in 1949. He was one of the advertisers in the anniversary program issued by the national guild organization for its convention in February 1957.

Protesting against a local Communist registration ordinance, Mr. Frankel submitted a brief to an El Monte, Calif., justice of the peace in 1950. His name has also appeared on numerous statements in behalf of top national Communist Party leaders convicted under the Smith Act, as well as California and Maryland Communists convicted under the same legislation.

The West Coast Communist newspaper, the Daily People's World, in 1952 printed May Day greetings it had received from Lawyer Frankel.

#### DAVID M. FREEDMAN, NEW YORK

Mortimer Riemer knew David Freedman as a fellow member of a special lawyer's group of the Communist Party in New York in 1936.<sup>25</sup> Mr. Freedman was still an active party member in 1949, according to former party functionary John Lautner.<sup>26</sup>

David M. Freedman was called as a witness before the Senate Permanent Subcommittee on Investigations on September 18, 1953, and personally confronted by Mr. Lautner. Mr. Freedman invoked the fifth amendment rather than affirm or deny Mr. Lautner's identification of him as an active Communist.

Mr. Freedman and his partners in the firm of Unger, Freedman & Fleischer were known as the Communist Party's lawyers, Mr. Lautner had also testified.

As a witness in Queens Surrogate's Court in May 1950, Mr. Freedman identified himself as a "dummy" incorporator and attorney for the Delcro Realty Corp. Testimony before the court indicated that the assets of this corporation involved property purchased as residences for Communist Party officials in New York State.

The Daily Worker publicized Mr. Freedman as being an attorney for the subversive Civil Rights Congress in 1949. Mr. Freedman had been active in the 1930's as attorney for the now defunct International Labor Defense. In that period, he was also frequently advertised as speaker at the official Communist Party school, the New York Workers School.

He has long been active in the affairs of the National Lawyers Guild. In 1937, he served on the guild's committee on economic welfare of the legal profession. In 1954, as a member of a special committee of the guild's New York City chapter, he presented the results of the committee study at a guild conference in New York City.

In 1947 and 1948, he sponsored the annual May Day parades organized by the Communist Party.

#### CHARLES R. GARRY, CALIFORNIA

Charles R. Garry, a practicing attorney in the city of San Francisco since 1938, was identified as a member of the Communist Party by Dr. Jack Patten, former party member in that city who testified before this committee on June 19, 1957.

<sup>25</sup> Testimony before House Committee on Un-American Activities, December 13, 1955.  
<sup>26</sup> Testimony before House Committee on Un-American Activities, November 12, 1956; see also testimony before Senate Permanent Subcommittee on Investigations, September 18, 1953.

Mr. Garry was subpoenaed as a witness by the committee on June 21, 1957, but refused to answer questions regarding activities in the Communist Party on the grounds of possible self-incrimination.

Communist-run organizations and campaigns in the Northern California area have been able to rely on Mr. Garry both for legal services and for leadership roles.

The subversive Civil Rights Congress retained Mr. Garry in 1949 and 1952 to represent a number of defendants involved in legal proceedings in San Francisco. In 1949, he also served as spokesman for a delegation—organized by the Civil Rights Congress—which appeared before a local United States attorney to protest contempt sentences meted out to various identified Communists in Los Angeles for failing to answer Federal grand jury questions. He was featured as a speaker at local Civil Rights Congress propaganda rallies, such as an October 1949 mass meeting in San Francisco which raised \$5,000 for a bail fund for Communist Party defendants in legal proceedings, and an October 1953 mass meeting exploiting the Wesley Wells case. His name appeared on the San Francisco Civil Rights Congress petition to halt deportation proceedings against identified Communist aliens John Santo, Michael Obermeier, Alex Bittelman and Claudia Jones.

A member of the National Lawyers Guild since he was admitted to the bar in 1938, Mr. Garry represented the San Francisco chapter of the guild in submitting a brief against a local Communist registration ordinance in 1950. In that year, he was listed as a member of the executive board of the San Francisco chapter. Mr. Garry served as president of the chapter from 1951 through 1954. As chapter president, he signed a National Lawyers Guild friend of the court brief in 1954 in behalf of Mrs. Edith Brooks, who had been denied admission to the bar of California after refusing to tell a bar examining committee whether or not she had ever been a member of the Communist Party.

Mr. Garry was a delegate from the Bay area to the guild's national convention in 1954. At the 1956 national convention, he appeared as a panel speaker and was elected by the convention to the guild's national executive board. He was reelected to the executive board at the 1957 national convention, where he also served as chairman of the nominating committee.

In 1948, as a candidate of the Independent Progressive Party, Mr. Garry unsuccessfully sought election to the United States House of Representatives from California's Fifth Congressional District. He again attempted to gain a House seat with the same Communist-controlled political backing in a special election held in 1949.

As a political candidate in 1948, Mr. Garry announced his opposition to the Mundt-Nixon anti-Communist bill, the provisions of which became part of the Internal Security Act of 1950. At a series of public meetings during the same year, he was billed as a speaker against this so-called "police state" legislation and on one occasion personally joined a delegation to the San Francisco Board of Supervisors urging a board resolution to Congress against the bill. In his 1949 campaign for Congress, Mr. Garry's speeches continued to emphasize his opposition to official action against the Communist conspiracy. Typical was his radio speech in October 1949 in which he branded the Taft-Hartley Act, loyalty checks, deportations, and the

Smith Act trial of 11 national Communist Party leaders in New York as "part of the curtain of fear being drawn about our liberties."

In 1951, Charles Garry was publicized as being one of the signers of a number of statements protesting the United States Supreme Court's action in upholding the conviction of top Communist Party leaders under the Smith Act; the statements called for outright repeal of the anti-Communist legislation. Mr. Garry in 1953 was one of the signers of a motion asking the United States Supreme Court for permission to file a brief for a rehearing for Baltimore, Md., Communist Party leaders convicted under the Smith Act.

Other Communist fronts in which Mr. Garry played a leading role include the California Labor School and the International Workers Order, which scheduled him as featured speaker. The IWO has been cited as one of the most effective and closely knit organizations among Communist-front movements. Mr. Garry has also acted as an official sponsor and meeting chairman for the San Francisco Committee To Save the Rosenbergs.

#### RICHARD GLADSTEIN, CALIFORNIA

Richard Gladstein, who has spent a large part of his time in the defense of Communist causes, was identified as a member of the Communist Party by Dr. Jack Patten in sworn testimony before this committee on June 19, 1957.

Mr. Gladstein was admitted to the bar in 1931. With Aubrey Grossman, another identified Communist, he opened a law firm in San Francisco in 1936. They were credited in the Daily People's World with training the staffs for the Los Angeles law firm of Margolis & McTernan, the Honolulu firm of Bouslog & Symonds and the Oakland firm of Edises and Treuhaff. It is interesting to note that all of these lawyers except Symonds<sup>27</sup> have been publicly identified as members of the Communist Party in sworn testimony before this committee.

In 1949 Gladstein was one of the panel of attorneys defending the 11 national Communist leaders tried under the Smith Act. His abusive treatment of the court in this instance led Judge Medina to cite him for contempt of court and impose upon him a sentence of 6 months in jail. This report has already made reference to the frequent and deliberate efforts on the part of the defense attorneys to inject Communist propaganda into the record of this trial.

Mr. Gladstein served as official attorney for the Marine Cooks and Stewards Association of the Pacific, which was expelled from the CIO in 1950 for adhering to the Communist Party line. While serving as attorney, he worked vigorously to promote Communist control not only over the Marine Cooks union but other waterfront unions. This was documented in an affidavit submitted to the California Committee on Un-American Activities in December 1946 by William P. M. Brandhove. Brandhove, who had been in the merchant marine for 15 years, stated he had become increasingly aware of the influence of Communists in the Marine Cooks and Stewards Union and he determined to gain membership in the Communist Party in order to

<sup>27</sup> Myer C. Symonds appeared before the Senate Internal Security Subcommittee on December 5, 1956, and invoked the fifth amendment in response to questions regarding Communist Party membership and activities.

see what methods the Communists were using. He cultivated the friendship of one of the leading Communists in the maritime union field. After a 4-month indoctrination period, Brandhove became a member of the Communist Party in February 1945 under the sponsorship of Hugh Bryson, president of the union.

As a member of the party Brandhove discovered that Communists controlled the Marine Cooks and Stewards Union through the installation of Communists in official union positions and through rigged union meetings.

Brandhove related that in April 1945, a top Communist fraction meeting was held at the home of Bryson, with Richard Gladstein, official union lawyer, acting as chairman. According to Brandhove, Gladstein announced that there would be a convention of the Marine Cooks and Stewards Union in July to adopt a new constitution. Gladstein allegedly boasted that the Communist Party had managed to get complete control of the finances and policy of the National Maritime Union, after the union adopted a Communist-rigged constitution. Gladstein then stated that the party had difficulty in getting "funds for furthering its program" from the Marine Cooks treasury under the existing constitution and that he had instructions from the party to prepare a new constitution for the Marine Cooks and Stewards Union for presentation and passage at the July convention. It was agreed at the fraction meeting that the best method of controlling the Marine Cooks convention would be to have party members assigned through the dispatchers' office to different ships, preferably coastwise, and notify only those ships where comrades were presently assigned that a convention was to take place.

Just prior to the convention, a meeting was held of all party members and fellow travelers. Brandhove reported that Richard Gladstein told them that a well organized, harmonious convention could best be achieved by advance agreement on strategy and committee arrangements.

Despite the fact that Brandhove, by exposing the Communist plot, made a desperate attempt to stop passage of Gladstein's constitution at the convention, he was unable to muster more than seven supporters who were delegates to the Communist-packed convention.

In 1947 the American Committee for Protection of Foreign Born appointed Gladstein to be its local counsel in San Francisco. His work for the ACPFB was sufficient to win from the organization public praise for "contributing unselfishly" of his time.

Gladstein was among those who signed a letter sponsored by the Civil Rights Congress in 1948 protesting the deportation of Communists. A member of the National Lawyers Guild, he was elected vice president of the organization in 1950. When the guild held its 19th annual convention in November 1954, Gladstein was a delegate to the convention from the Bay area. He was associate editor of the Lawyers Guild Review in 1948.

Richard Gladstein has frequently used his legal training and speaking ability to serve Communist-controlled organizations as a public speaker and law analyst. In 1947 he was asked to analyze the Taft-Hartley law for the leaders of the United Office and Professional Workers of America at a conference called to develop a fighting program to protect members against what the UOPWA called "this



vicious" legislation. The UOPWA was expelled from the CIO in 1950 for its adherence to the Communist Party line.

After the Smith Act conviction of the national Communist leaders, Gladstein made a speaking tour of major West Coast cities, addressing lawyers and reading to them excerpts from the trial. The National Guardian, a publication which has manifested itself from the beginning as a virtual official propaganda arm of Soviet Russia, in commenting on the tour, reported that people to whom the excerpts were read were astounded at the lack of justice and fair play on the part of Judge Medina.

In 1951, the California Labor School scheduled Gladstein as head of a panel of attorneys who would discuss the recent California Committee on Un-American Activities hearings and would explain how people might "protect their rights" against "these un-American activities committees."

When the American Committee for Protection of Foreign Born used his services as a speaker on one occasion in 1951, Gladstein was advertised as a noted constitutional authority who would analyze "the Walter-McCarran Act; Death to American Liberty."

#### AUBREY W. GROSSMAN, CALIFORNIA

Aubrey Grossman was identified as a Communist in sworn testimony before this committee on six different occasions. The Communist Party itself has publicized Mr. Grossman's role as one of its leaders and functionaries.

Grossman appeared as a witness before this committee on December 11, 1956, and refused to answer all questions concerning the Communist Party, basing his refusal on the protection of the fifth amendment.

With Richard Gladstein, he opened a law firm in San Francisco in 1936.

Grossman was defense attorney for Earl King in the King-Ramsay-Conner murder trial in the late 1930's. Sworn testimony before this committee showed that although King was an identified Communist, the principal reason for the Communist Party's interest in the case was that it gave the party an opportunity to ridicule and discredit the prosecuting attorney. A publicity campaign was launched which cost the party over \$16,000, raised by assessing members of the various trade-union movements. Despite this effort, the campaign failed.

By 1945 Lawyer Aubrey Grossman had achieved such stature within the party that he was given the position of educational director of the Communist Party for the city and county of San Francisco, and was appointed alternate delegate to the Communist Party convention in New York. This was a convention of 93 handpicked delegates who were obligated in advance to insist on the reconstitution of the Communist Party, previously known as the Communist Political Association, and the ouster of Earl Browder in conformity with the Duclos letter.

The Civil Rights Congress was founded in Detroit, in April 1946, under the direction of the Communist Party. It was created because the party's national committee felt there would be a need for a vital and strong "civil rights" organization to take care of party members who were likely to be implicated with the law as a result of the party's

new program, and which would have a large bail fund.<sup>28</sup> In 1948 a number of the Communist Party leaders were arrested and indicted. After they were released on bail posted by the Civil Rights Congress bail fund, they met at party headquarters and placed the responsibility upon the Civil Rights Congress to be the party's defense agency, to carry on the legal campaign and a mass campaign to mobilize public opinion in behalf of the indicted leaders.

Aubrey Grossman was appointed West Coast director of the Civil Rights Congress, and one of his first assignments was to coordinate the campaign to defend the 12 Communist leaders indicted on Smith Act violations.

In addition to coordinating the defense campaign for these Communist leaders who were dedicated to the overthrow of our Government, Lawyer Grossman was active in the propaganda campaign. Through the Communist press, he asked trade unions to adopt a resolution supporting the position of the Communist Party leaders in denouncing the witnesses for the Government, and to make the resolution known to Judge Medina.

The Daily People's World of August 19, 1949, published an article by Mr. Grossman in which he denounced the Government witnesses. He charged:

\* \* \* the common denominator of almost all important attacks on civil rights is the stool pigeon. For example, the Un-American committees, Federal and State; the deportation cases, the Christoffel and Bridges cases, the stream of witnesses who call the fight for Negro rights "a Communist plot"; the new phase of the Los Angeles grand jury inquisition, and finally, the New York trial of the Communist Party.

According to Mr. Grossman:

The Government is aiming at outlawing Marxism in this trial. Everybody knows that Marxism is a body of ideas, principles and a philosophy which has influenced world thought and world thinkers for more than 100 years. \* \* \* On what basis would the United States Government declare illegal this idea which is now so influential in the world? \* \* \* On the testimony of stool-pigeons.

After the Communist leaders were convicted and their attorneys punished for contempt of court, Grossman wrote another article in the Daily People's World praising the defense lawyers because they "fought courageously to expose the real issues and the picture began to emerge: the banker jury, the judge who was later to be rewarded by the administration \* \* \* and the bought-and-paid-for witnesses who were used by the Government with full knowledge of their corruption and their lies." He then attacked Judge Medina's reason for charging the lawyers with contempt: "This highfalutin language refers simply to an exposure of the jury system, by which final judgment as to the legality of the Communist Party and the ideas of socialism was vested in a blue-ribbon jury made up in large part by nominations from large corporations, from the social register, etc., and from which practically all workers were excluded. The jury system which the Foley Square lawyers carefully laid bare, shows up

<sup>28</sup> *Subversive Activities Control Board v. Civil Rights Congress*, Docket 106-53.

the political frameup of the trial and its class essence." Lawyer Grossman concluded his article by saying, "The program of disbarment and intimidation of lawyers has as its aim the denial of legal representation to political, labor, and Negro victims. \* \* \* The defense against the thought-control Smith and McCarran Acts \* \* \* will be immeasurably weakened without the assistance of tested and seasoned lawyer-veterans of the civil rights struggle."

These excerpts are just a small sample of the type of technical deception used by Aubrey Grossman to mobilize public opinion in behalf of the Communists.

Shortly after Grossman's appointment as Pacific Coast director of the Civil Rights Congress, the Daily People's World published an article entitled "If the Federal Bureau of Investigation Should Bother You \* \* \* Civil Rights Expert Tells What To Do." The "expert" in question was Aubrey Grossman, who advised those approached by FBI agents to refuse to cooperate or have any discussion with them. He concluded, "If you oppose witch hunting you should do nothing to cooperate with it, such a course is in the interest of the fight against witch hunts and in your own interest as well."

Mr. Grossman's work evidently pleased the party leaders and in 1950 he became the national organizational secretary of the Civil Rights Congress and assumed the still higher position of organizational director in 1951.

In testimony before the Subversive Activities Control Board,<sup>29</sup> a witness told of a secret Communist Party meeting in St. Louis, Mo., in 1951 which he attended and at which Aubrey Grossman, national Civil Rights Congress official and party functionary was present. According to the witness, Aubrey Grossman stated that he had come to St. Louis to guarantee the continued operation of the Civil Rights Congress because the party might not be able to continue operating as the Communist Party and planned, therefore, to function through the Civil Rights Congress. Mr. Grossman was also reported as stating that he and William Patterson were covering key cities to insure that the party would have a channel through which its operations could continue if, for security reasons, it could not operate in its own name.

In 1952 Julius and Ethel Rosenberg who had supplied Russia with our atomic secrets, were convicted of espionage and were awaiting execution in Sing Sing prison. Grossman went to the prison with a Civil Rights Congress delegation demanding clemency for the traitors.

In 1953 Grossman returned from New York to California. A month after his return he delivered a series of lectures concerning "McCarthyism" and recent "Supreme Court decisions" at the Communist California Labor School.

He reentered private law practice and became associated with the Edises and Treuhart law firm; both of these law partners have been identified as Communists.

Aubrey Grossman's efforts in behalf of the Communist conspiracy and his defense of Communist ideology have been voluminous. He has supported such other phases of the movement as the Lawyers Committee To Keep the United States Out of War, an organization

<sup>29</sup> Ibid.

set up by the Communist Party after the Stalin-Hitler pact in order to agitate to keep America out of the "imperialistic war"; the National Lawyers Guild; the Northern California Committee for Protection of Foreign Born; and the United May Day Committee.

**ABRAHAM J. ISSERMAN, NEW JERSEY**

Abraham J. Isserman was identified as a Communist and an attorney for the Communist Party in New Jersey in testimony before this committee. The identification was made on September 11, 1939, by Benjamin Gitlow, who had helped to organize the Communist Party in the United States and had served as its secretary general. In 1929 Gitlow was expelled from the party because he refused to accept Stalin's order to put William Z. Foster at the head of the American Communist Party.

During the Smith Act trial of the 11 United States Communist leaders in 1949, Abraham J. Isserman served as attorney for two of the party's top men, John Williamson, national trade union secretary, and Benjamin J. Davis.

Lawyer Isserman's actions at the trial showed a complete abandonment of all respect for the dignity of the court. His insults and mockery earned for him a conviction of contempt on 7 counts and a sentence of 4 months in jail.

After the trial, in a lecture to law students at Yale, this identified Communist and lawyer ridiculed the Government witnesses, lashing out at the role played by the "stool pigeons."

Abraham Isserman for many years has been a leading figure in Communist-front organizations.

He was counsel for the International Labor Defense. He was also a member of the resolutions committee of this organization, which was created by the Communist Party to act as the party's legal arm, and to furnish bail and legal representation to party members who became involved with legal authorities.

He was one of the founders of the International Juridical Association, the Communist-controlled offshoot of the International Labor Defense.

In June 1940, Mr. Isserman sponsored a "Conference on Constitutional Liberties in America." From this conference there emerged the National Federation for Constitutional Liberties. A. J. Isserman was appointed a member of the executive committee of this new Communist front. In September of the same year, as attorney for the National Federation for Constitutional Liberties, he filed suit against the Commissioners of the District of Columbia because of police action in dispersing a mob gathered on the steps of the Supreme Court to protest against the conscription bill.

This gathering had been instigated by the American Peace Mobilization, another Communist-front organization formed in 1940 under the auspices of the Communist Party and the Young Communist League. It was designed to mold American public opinion against participation in the war against Germany. Its existence terminated within a month after the German invasion of Russia, when it became American People's Mobilization and adopted a program favoring complete assistance to Britain, Russia, and China.

From its very beginning, the National Federation for Constitutional Liberties vigorously opposed congressional committees investigating communism. In 1941, it published a pamphlet prepared by Mr. Isserman entitled "Investigation Committees and Civil Rights," in which the author voiced his opposition to such committees of Congress, in particular the House Committee on Un-American Activities. He advised his readers against any cooperation with the committees.

Mr. Isserman was still on the executive committee of the National Federation for Constitutional Liberties in 1946 when it was merged into the Civil Rights Congress. He was a member of the organization committee of this latter Communist front at the time of its formation, and also diligently served the Civil Rights Congress both as an attorney and in its all-important bail-fund drives.

While Lawyer Isserman was busily engaged in the foundation and development of the legal fronts being established to protect Communist comrades, he was active in Communist propaganda fronts as well. Mr. Isserman was New Jersey State chairman of the American League Against War and Fascism, a Communist front established in an effort to create public sentiment on behalf of a foreign policy adapted to the interests of the Soviet Union. The name of this front was changed in 1937 to the American League for Peace and Democracy.

Mr. Isserman also held several offices in the latter Communist-front organization: member of the national committee, a member of the executive committee of the New York City division, and a member of the civil rights commission. The ALPD has also had the advantage of his services as a speaker.

He was a member of the executive committee of the Council for Pan American Democracy, a Communist front which defended Luis Carlos Prestes, a Brazilian Communist leader and former member of the executive committee of the Communist International.

This lawyer has delivered speeches at many social functions of the National Council of the Arts, Sciences, and Professions, a Communist-front organization used to appeal to special occupational groups. In 1951, the organization held meetings to mobilize resistance against the House Un-American Activities Committee's hearings, scheduled on September 17 in Hollywood. In a speech before the ASP, Isserman stressed the need for activity in opposition to the Committee on Un-American Activities and in the movement for reversal of the Supreme Court decision upholding the Smith Act convictions of Communist leaders. He called for all-out support of an ASP mass meeting to be staged later in September, at which those questioned by the Committee on Un-American Activities would "fight back."

Abraham Isserman was disbarred from the practice of law in New Jersey by the supreme court of that State in 1951. He was also suspended from practice for 2 years in the Federal court in the southern district of New York. In 1952, the United States Supreme Court disbarred Isserman from practice before it. This decision was later reversed after the Court reasoned that Mr. Isserman had been punished sufficiently for his unprofessional conduct at the 1949 trial of the Communist leaders.

On January 29, 1958, Abraham Isserman was disbarred from practice in the Federal court in the southern district of New York. The disbarment was ordered on the petition of the Association of the Bar

of the City of New York and the New York County Lawyers Association because, in applying for admission to the bar, he had concealed a conviction for moral turpitude. The judge said in his ruling: "It can truthfully be said that he [Isserman] has perpetrated a fraud on every court to which we know he was admitted and his career shows an impudent disdain for all courts and an habitual disregard of the truth and of his professional duty of candor in his dealings with them."

**LEON JOSEPHSON, NEW JERSEY**

Leon Josephson was identified as having been a Communist and agent of Soviet Russia as far back as the late 1920's by Fred E. Beal, a former Communist, who testified before the committee on October 18, 1939, and again on March 21, 1947. Josephson was again identified on March 21, 1947, by Liston M. Oak, a former Communist who had served on the editorial staff of the Daily Worker.

The testimony before this committee disclosed that Leon Josephson, a native of Latvia, now a part of the Soviet Union, was educated in the United States and became a citizen in 1921. In the same year he was admitted to the bar in the State of New Jersey. Josephson began to practice law in Trenton, N. J. in 1926.

An attorney for the International Labor Defense, Josephson was one of the Communists sent by the party to Charlotte, N. C., in 1929 to try to guide the "defense" of seven men who were tried and convicted by the State of North Carolina for the murder of the chief of police at Gastonia. The death of the chief occurred during a strike of the Communist inspired and controlled union called the National Textile Workers.

Fred Beal, who was one of the seven defendants, informed this committee that Leon Josephson, although he did not take part in the trial itself, instructed each of the defendants on what they should say if they took the stand and emphasized that when they were being sworn they should refuse to say "So help me God." Josephson reasoned that it was "time now for the Southern workers to wake up and become educated," according to Mr. Beal.

The men were convicted and released on bail pending an appeal. Leon Josephson was then instrumental in securing money and false passports which enabled all seven defendants to jump bail and flee from the United States to Russia. Mr. Beal decided to face justice and returned to the United States. He testified that upon his return, Josephson tried to persuade him to go back to Russia. When Mr. Beal refused, he overheard Mr. Josephson say to Communist Party chairman William Z. Foster: "What we should have done to him was to have knocked him out over there in Soviet Russia, got rid of him once and for all, instead of having him over here." Mr. Beal further testified: "They [the Communist leaders] said it would be very bad for Soviet Russia if the people in this country found out that I returned to this country and was willing to go to prison."

Liston Oak testified that Josephson's job at the Gastonia trial was to induce the defense counsel to follow a "class struggle line," and to utilize the trial for Communist propaganda rather than merely to get the defendants acquitted. Testimony of Mr. Oak also revealed that while Josephson was practicing law in Trenton, N. J., he boasted that he was in a position to get valuable information from clients, including a railroad, to forward to the Kremlin.

In 1932 Josephson became an employee of Amtorg, the official Soviet purchasing agency here. He made frequent trips to Europe—during 1927, 1930, and 1931—and in 1935 he again embarked for Europe accompanied by George Mink, a particularly infamous Communist spy. On this trip he was arrested in Denmark and charged with espionage. Two of Josephson's companions, Mink and a man who had an American passport in the name of Nicholas Sherman, were also arrested. The 3 were brought to trial and Josephson was acquitted, the other 2 convicted. Mink later told Liston Oak that Josephson was acquitted because he was a lawyer. After he was released Josephson visited the American consulate and had an interview with Mr. Lester Maynard, the American consul general. A letter from Mr. Maynard concerning the interview states: "He [Josephson] stated that to him communism is more than a political theory or belief and is a religion. He stated that he is an atheist and a member of the active Communist Party in America and in its inner circles. \* \* \* He then explained to me his personal views in regard to the Communist movement, the pertinent part of which was that he considered the orders of his committee superior to the laws of the United States and that he would do anything 'short of murder' to carry out the committee's orders."

In 1937 an article written by Leon Josephson appeared in *The Communist*, a publication which was the official theoretical organ of the Communist Party of the United States. There, Leon Josephson openly proclaimed his dedication to the Communist conspiracy:

On this occasion of the celebration of 20 years of Soviet power, the magnificent constitution of the U. S. S. R. lights up for the American working masses the road that they, too, under the leadership of the Communist Party, must follow to defeat and end for all time crises, unemployment, reaction, and war—the road to Soviet America and its Socialist constitution.

Leon Josephson was subpoenaed by the Un-American Activities Committee to appear as a witness at hearings regarding Gerhart Eisler, chief international Communist representative in the United States. During the hearings considerable documentary evidence was presented to the committee which indicated that Leon Josephson wrote a passport application in the name of one Samuel Liptzen, but which bore the photograph of Gerhart Eisler and was subsequently used by Eisler in his travels in the service of the international Communist conspiracy. Josephson appeared before the committee on March 5, 1947, refused to be sworn, and refused to give testimony.

The following day the *Daily Worker* issued a statement by Josephson in which he declared: "I am a Communist. \* \* \* I am not ashamed of what I did; on the contrary, I am proud of it." On July 17, 1947, Josephson appeared as a witness at Gerhart Eisler's trial for contempt of Congress and admitted that he helped Eisler get an American passport to enable him to travel to Germany. When asked by the prosecuting attorney if he had sworn falsely on the 1934 passport application for Eisler's use, Josephson said, "I swore falsely and I would do so again." Josephson himself was subsequently convicted of contempt of Congress and served a prison sentence as a result.

Upon his release from prison January 16, 1949, the *Daily Worker* reported that Josephson said, "I have a greater will to fight than ever

before." Josephson told John Williamson, John Gates, Henry Winston, Jack Stachel, and other Communist leaders under Smith Act indictments, who had come to LaGuardia Airport to greet him, "I'll be with you in court in the morning to help your fight for freedom."

One of Josephson's first commitments after his release from prison was to speak at a rally sponsored by the New Jersey Communist Party. In April the Worker and People's World published an article by him entitled "Legal Fact—and Fiction." The caption read: "Is there such a thing as an impartial jury? An impartial judge? Here is an attorney's answer \* \* \*." Josephson in the article attempted to prove that it was impossible for a judge or jurors to be unbiased, and therefore impossible for the 11 Communist leaders to have a fair trial. Josephson further charged that "Judge Medina's resort to the use of legal fictions in the trial of the 11 Communists has infected that trial with the 'principles of rottenness'."

In July 1949 Josephson wrote an article in the Daily Worker titled "True Justice Is Weeping," in which he discussed the trial of Carl Marzani, for lying about his Communist affiliations when he applied for a Government position. Josephson claimed Marzani was being tried because of Marzani's opposition to "big business."

Lawyer Leon Josephson was scheduled to analyze the McCarran Act at a conference of the New York State Civil Rights Congress in October 1950. The conference was held to plan a nationwide campaign to demand the repeal of the McCarran Act, coinciding with the reconvening of Congress. Josephson, through a letter in the Daily Worker, made an appeal for volunteers to help "get out the mail" in the "McCarran law fight."

Josephson gave a series of lectures on Marxism and the Law at the Jefferson School in 1949 and 1950. In October 1949, he also wrote an article in the Daily Worker on the subject, "Justice Is Dollar Made—Marxism-Leninism on Trial," in which he said:

The democratic principle, the greatest good for the greatest number, is the very essence of the ethics of Marxism-Leninism. This principle can only flourish when—the individual liberty of the capitalist is denied \* \* \*

The idea that our Government impartially represents all of the people is pure fiction \* \* \*

Prejudice and bias sit alongside of almost every robed figure on the bench. Impartiality of the law is pure fiction.

In 1954 Josephson taught a Jefferson School course on "Soviet Life," in which he "evaluated" current anti-Soviet propaganda in the light of actual developments in the U. S. S. R. He also gave a course on Soviet law for laymen in which he interpreted Soviet law regarding the family, housing, labor, crime, and punishment.

In October 1953 Josephson invoked the fifth amendment as a witness before the Senate Internal Security Subcommittee.

In the May 1957 issue of Mainstream, a Communist publication, Leon Josephson wrote an article on "The Individual in Soviet Law," in which he set out to show the superiority of Soviet justice with a series of quotations from the Soviet Criminal Code. He interpreted the terror of the Stalin era as being necessary because of the threat "from a foreign power which ringed the Soviet Union with military



bases and threatened to annihilate her with the atom bomb." After a comparison of American laws with those of the Soviet he wrote: "In brief, the average Soviet citizen has all the protection our law affords, and then some." Josephson concluded his article with, "Certainly the Soviet Union has made mistakes, but whatever the mistakes, however it may lag behind our original hopes or our personal opinions as to how things should be done, the Russian Socialist Revolution proved to be the greatest step forward in the evolution of mankind."

A letter to the editor in the September 1957 issue of *Mainstream* asked Mr. Josephson about the justice of Soviet law concerning political offenses, to which Mr. Josephson replied, "If I attempted to undermine or overthrow the Soviet state, I would deserve the merited fate of all enemies of the people. \* \* \* Political activity against an exploiter state in the interest of the vast majority of the people is both democratic and moral; action against a Socialist state \* \* \* is anti-democratic and immoral."

Such is the philosophy of Leon Josephson, LL. B., member of the bar of the State of New Jersey.

#### HARRY M. JUSTIZ, NEW YORK

Harry M. Justiz was identified as a member of the Communist Party on February 21, 1950, by Matthew Cvetic, former undercover agent for the Federal Bureau of Investigation.

Justiz had appeared as a witness before this committee in 1946. As a member of the executive board of the Joint Anti-Fascist Refugee Committee, he was served with a subpoena duces tecum and ordered to produce certain records of this Communist-front organization engaged in the defense, transportation, and support of foreign Communist agents. Lawyer Justiz refused to honor the subpoena; therefore, he was cited for, and convicted of, contempt of Congress, fined \$500, and sentenced to 3 months in jail.

Mr. Justiz has supported many Communist-front organizations specializing in the defense of Communist cases, including the National Federation for Constitutional Liberties and the National Emergency Conference for Democratic Rights, a protective organization built by the Communists during the days of the Soviet-Nazi pact.

He was also a supporter of the Lawyers Committee To Keep the United States Out of War and the Emergency Peace Mobilization during this same Hitler-Stalin pact period. He was a member of the International Workers Order; on the executive board of the Joint Anti-Fascist Refugee Committee and the American Slav Congress of Greater New York, a Moscow-inspired and directed federation of Communist-dominated organizations seeking by methods of propaganda and pressure to subvert the 10 million people in this country of Slavic birth or descent. Justiz was a member of the auditing committee of the American Association for Reconstruction in Yugoslavia, Inc. This organization was a Communist front whose functions were designed to victimize Slavic Americans for Communist purposes. Harry Justiz was also a member of the subversive and Communist-controlled United Committee of South Slavic Americans, and on the board of directors of the American Committee for Protection of Foreign Born. He served as counsel for the New York chapter of the Yugoslav Committee for Protection of Foreign Born.

**CHARLES J. KATZ, CALIFORNIA**

Charles Katz was identified as a member of a Communist lawyers' group in Los Angeles by former Communists A. Marburg Yerkes on January 24, 1952; Milton S. Tyre on December 14, 1951; and William G. Israel on January 25, 1952, in testimony before the Committee on Un-American Activities. Mr. Katz was also identified as a member of the Communist Party by Martin Berkeley in testimony before this committee on September 19, 1951.

Charles J. Katz appeared before this committee on October 1, 1952, and stated that he had been a member of the legal profession for a quarter of a century in Los Angeles. However, he refused to state whether he was then, or ever had been, a member of the Communist Party, invoking the first and fifth amendments.

Mr. Katz was one of 11 Los Angeles lawyers who signed a brief as friend of the court in asking a judge to throw out charges against Henry Steinberg, legislative director of the Los Angeles County Communist Party, after he was arrested in 1950 for failure to comply with a Los Angeles County ordinance requiring the registration of Communists.

Mr. Katz was a member, in 1937, of the committee on civil rights and liberties of the National Lawyers Guild. Mr. Katz was also on the convention resolutions committee and a participant in the discussion of "The Right to Strike and Compulsory Arbitration" at the fifth annual convention of the National Lawyers Guild in 1941.

Charles Katz was a member of the executive council of the Hollywood Independent Citizens' Committee of the Arts, Sciences, and Professions, a Communist front.

Mr. Katz was a scheduled speaker at a concert in 1946 celebrating the opening of the Los Angeles convention of the Jewish Peoples Fraternal Order and reception for Albert E. Kahn, national president of JPFO. The JPFO has been cited as Communist and among the "national group societies of International Workers Order." Mr. Katz was a member of the California sponsoring committee, southern division, of the Harry Bridges Defense Committee. The Bridges Defense Committee was cited as a Communist front formed to oppose deportation of Harry Bridges, Communist Party member and leader of the disastrous San Francisco general strike of 1934 which was planned by the Communist Party.

**SEYMOUR MANDEL, CALIFORNIA**

Seymour Mandel was identified as a member of the Communist Party by former Communist Party members, Milton S. Tyre on December 14, 1951; David Aaron on January 23, 1952; A. Marburg Yerkes on January 24, 1952, and William G. Israel on January 25, 1952, when they testified before the Committee on Un-American Activities. David Aaron also testified that at one time Seymour Mandel was executive secretary of the National Lawyers Guild chapter in Los Angeles.

Mr. Mandel appeared as a witness before this committee on October 1, 1952, at which time he invoked the fifth amendment when questioned concerning his Communist Party membership and affiliations.

Seymour Mandel, as an attorney for the Los Angeles Committee for Protection of Foreign Born, represented several individuals sub-

ject to deportation proceedings on the grounds that they were aliens who had become members of the Communist Party after their entry into the country. An emergency mass meeting was held on May 28, 1953, to protest the Immigration Service's detention of these and five other deportees on Terminal Island. Seymour Mandel was the principal speaker at this meeting, sponsored by the Los Angeles Committee for Protection of Foreign Born.

The West Coast Communist newspaper, the Daily People's World, on July 17, 1950, described Seymour Mandel as a Civil Rights Congress panel lawyer.

#### BEN MARGOLIS, CALIFORNIA

The following former Communists appeared before this committee and identified Ben Margolis as a member of the Communist Party: Edward Dmytryk, April 25, 1951; David Aaron, January 23, 1952; A. Marburg Yerkes, January 24, 1952; William G. Israel, January 25, 1952; and Paul Marion on October 2, 1952. The law firm of Katz, Gallagher & Margolis served as legal representative of the Communist Party according to the testimony of Yerkes. Mr. Margolis testified before this committee in Los Angeles, Calif., on September 30, 1952, at which time he invoked the fifth amendment when questioned about his past and present membership in the Communist Party.

Ben Margolis offers an example of the subtle way in which a Communist lawyer can prevail upon fellow members of the bar to become a part of the Communist conspiracy. Because he was impressed with Ben Margolis' reputation in connection with a certain legal case, Mr. Yerkes testified that at the invitation of Margolis he joined the latter's law firm. Yerkes said it wasn't long before Margolis invited Yerkes to a Marxist discussion meeting attended by lawyers, and that he continued to attend these meetings of lawyers because Margolis wanted him to. These so-called study groups inevitably led Yerkes into actually joining the Communist Party.

Ben Margolis was the keynote speaker at a conference on anti-Semitism in the United States, held in 1951 and sponsored by the Communist front, the Jewish Peoples Fraternal Order.

Mr. Margolis, as the attorney for Local 26 of the International Longshoremen's and Warehousemen's Union, was introduced at the seventh convention of Local 26 held in Los Angeles in 1956. The longshoremen's union was expelled from the CIO in 1950 for its adherence to the Communist Party line.

Ben Margolis was also a sponsor of the Los Angeles chapter of the Civil Rights Congress in 1947; a participant in a reception sponsored by the CRC in November of 1947; and chairman of a Labor Day meeting in 1950 sponsored by the CRC at which national Communist official Elizabeth Gurley Flynn was a speaker. Margolis, along with Mrs. Oleta O'Connor Yates, Communist Party State committeewoman, was a scheduled speaker at a meeting sponsored by the CRC in 1951, and he was chief speaker in defense of arrested Communist leaders at another meeting sponsored by the CRC in 1951. He was scheduled to speak at a meeting sponsored by the CRC in March of 1954, on "harboring case victims" and Californians convicted of violating the Smith Act. He was also scheduled to be a main speaker

at a reception honoring Shirley Kremen, a defendant in the California Smith Act harboring case, sponsored by the CRC in July of 1954.

As a member of the National Lawyers Guild, Margolis was the treasurer of its San Francisco chapter in 1937. He was a reporter on "Effect of Conscription on Economic Status of Lawyers" at a discussion entitled "The Economic Welfare of the Legal Profession," at the fifth annual national convention of the NLG in 1941 and he was a member of the resolutions committee of the 20th anniversary national convention of the NLG in 1957.

Ben Margolis was a faculty member of the People's Educational Center in 1944 and 1946.

Mr. Margolis was a member-at-large candidate for the executive board of the National Council of the Arts, Sciences, and Professions, Southern California Chapter, and in 1955, he was a speaker at a "Cultural 'Salute'" honoring the 61st birthday of John Howard Lawson sponsored by the same organization.

Ben Margolis was to speak at a testimonial dinner on October 5, 1952, sponsored by the Los Angeles Committee for Protection of Foreign Born; in 1954, Mr. Margolis was a sponsor of a party honoring the 50th birthday of Mrs. Rose Chernin, director of the Los Angeles Committee for Protection of Foreign Born.

Ben Margolis was a speaker at a meeting in 1952 sponsored by the Trade Union Committee for Repeal of the Smith Act and Other Anti-labor Legislation. The Trade Union Committee for the Repeal of the Smith Act was cited as a front "to defend the cases of Communist lawbreakers."

The Southern California Peace Crusade sponsored a testimonial dinner honoring Dr. W. E. B. DuBois in Los Angeles in 1953. Mr. Margolis was to speak at this dinner. This committee has found that these misnamed "peace" organizations have a common objective: The dissemination of Communist propaganda aimed at discrediting the United States and promoting a dangerous relaxation in the ideological and military strength of our country.

Mr. Margolis was an endorser of the World Peace Appeal which was launched 3 months before the outbreak of Communist armed aggression against South Korea as a smokescreen for such aggression.

Ben Margolis signed a motion asking the United States Supreme Court for permission to file an amicus curiae brief in support of a rehearing for the six Baltimore Smith Act defendants; he also signed the brief.

Mr. Margolis was one of 99 "prominent Americans" listed as "additional signers" of an appeal asking the Subversive Activities Control Board to suspend hearings on the Communist nature of the California Labor School. Delay was asked pending Supreme Court ruling on the constitutionality of the Internal Security Act.

Mr. Margolis was scheduled to speak in December 1952 at a campaign dinner sponsored by the Independent Progressive Party of Los Angeles.

Ben Margolis sent greetings to the Daily People's World for the period of 1950 through 1958. He was scheduled to share the platform with Rockwell Kent at a testimonial to be given in Mr. Kent's honor, September 15, 1957, in San Francisco. Proceeds from the testimonial went to sustain the People's World.

COMMUNIST LEGAL SUBVERSION 99  
**JOHN T. McTERNAN, CALIFORNIA**

David Aaron appeared before this committee in Washington, D. C., on January 23, 1952, and testified there was a lawyers' group of the Communist Party in Los Angeles, called the Engels Club, of which John McTernan was a member. A. Marburg Yerkes and William G. Israel also identified Mr. McTernan as a member of the Communist Party lawyers' group in testimony before this committee in 1952.

John T. McTernan invoked the fifth amendment regarding Communist Party membership when he testified before this committee in Los Angeles on April 21, 1956.

John T. McTernan was a member of the executive board of the National Lawyers Guild in 1949, 1950, and was again elected as a Los Angeles member of the board at the 1956 and 1957 national conventions. Mr. McTernan was among those scheduled to speak at panel meetings during the National Lawyers Guild's 20th anniversary convention in February 1957. At the same convention, he was also a reporter for the afternoon session of the panel conference on civil rights and liberties, and due process of law.

He was among the sponsors of a dinner held in Los Angeles in 1951 at which William L. Patterson, national executive secretary of the Civil Rights Congress under indictment for contempt, was an honored guest. The dinner was advertised as "part of a nationwide drive to raise \$60,000 for Civil Rights Congress to continue its defense of the courageous people victimized by the Smith and McCarran Acts." Mr. McTernan was scheduled to speak at a Civil Rights Congress meeting in May 1951. He was also a speaker at a rally held August 1955, at which action was taken to circulate a friend of the court brief in behalf of Steve Nelson.

The lawyer was at the speakers table of a dinner held in September 1949, to raise funds for defense of 11 national Communist leaders tried under the Smith Act. John McTernan submitted a brief signed by various West Coast lawyers in 1949 to the circuit court of appeals to void the contempt convictions of the lawyers who defended the "11."

John T. McTernan annually sent greetings to the Daily People's World from 1951 through 1957.

**JOHN W. PORTER, CALIFORNIA**

John W. Porter was identified as a member of the Communist Party in Los Angeles in the 1940's by several witnesses testifying before the Committee on Un-American Activities during the committee's investigation of Communist activities among professional groups in Los Angeles in 1952. He was further identified in 1955 by Herbert Fuchs, who testified that John Porter had also been a member of a Communist cell of lawyers in Washington, D. C., while Mr. Porter was employed by the National Labor Relations Board in the late thirties. In 1956 Anita Schneider, former undercover agent for the Federal Bureau of Investigation, testified under oath that she knew Mr. Porter to be a member of the Communist Party.

Mrs. Schneider, a resident of San Diego, recalled that John Porter had telephoned her from Los Angeles in the fall of 1951 and asked

her to interview a Communist Party member in her area, Carmen Edwards, who was facing deportation. Porter directed her to submit a report to him through regular party channels.

Mr. Porter was a witness before the committee on two occasions. In 1952 during questioning, he verified the fact that he had been a lawyer since 1935, when he immediately obtained Government employment in Washington, D. C., in the Office of the Solicitor of the Department of Labor. Later he worked for the National Labor Relations Board; he left the board in 1938 and obtained employment as a lawyer in the Antitrust Division of the Department of Justice. He also worked for the Office of Price Administration and the National War Labor Board. He has not been in Government service since 1945.

When questioned about his Communist affiliations he invoked the fifth amendment and charged the committee with using the "big lie of the menace of communism as a smokescreen behind which and by means of which to terrorize good Americans into closing their mouths and failing to speak up on the crucial issues of the day."

John W. Porter was a witness before the committee again in 1956. He once more invoked the fifth amendment concerning his Communist activities, questioned the duty and the jurisdiction of the committee, and the validity of the resolution under which the committee operates.

John Porter, the records show, headed the legal panel of the Communist-front organization, the Los Angeles Committee for Protection of Foreign Born. Outside the courts, Mr. Porter has also been active for the Los Angeles Committee for Protection of Foreign Born. In 1952, with Rose Chernin, executive secretary of the committee, he attended the National Conference To Defend the Rights of Foreign Born Americans. It was sponsored by the American Committee for Protection of Foreign Born and held in Detroit. The call announcing the conference stated that the purpose of this conference was to mobilize organizations "for the repeal of the Walter-McCarran law." After their return to Los Angeles, Mr. Porter was scheduled to address a meeting of the Los Angeles affiliate and give a full report of the Detroit conference.

Other Communist fronts which have had Mr. Porter's support are the National Lawyers Guild, of which he has been a member since at least 1940, when he was employed by the Federal Government in Washington, D. C. The Civil Rights Congress has had his services as a speaker. The records of this committee show that in 1954, John W. Porter traveled to San Diego to speak at a Civil Rights Congress meeting against anti-Communist legislation, primarily the Brownell-Butler and Walter-McCarran laws.

In 1948 he urged dismissal of Smith Act charges against the top national Communist leaders, and signed an appeal in their behalf. In 1950 he was a member of a delegation which visited the Los Angeles director of immigration and demanded the release on bail of individuals facing deportation under the McCarran law as a result of Communist activities. In 1953 he signed a motion asking the United States Supreme Court for permission to file a brief for a rehearing for the Baltimore Smith Act defendants; he also signed the brief. In 1954 he urged President Eisenhower to grant amnesty to the Communist leaders convicted under the Smith Act.

## DAVID REIN, WASHINGTON, D. C.

David Rein was identified as a member of the Communist Party by Herbert Fuchs and Mortimer Riemer, both former Communists, in testimony before this committee on December 13, 1955, and December 14, 1955, respectively.

Professor Fuchs testified that Rein was a member of a Communist cell of lawyers operating within the National Labor Relations Board where both men were employed as lawyers in the late 30's and early 40's.

Mortimer Riemer testified that he too knew David Rein in the cell of lawyers at the National Labor Relations Board and further testified that Rein in 1943 had tried to reenlist him in the Communist Party after Riemer had decided that communism was not for him.

David Rein appeared as a witness before this committee on February 21, 1956. When he was questioned by the committee concerning his Communist Party membership he refused to answer, basing his refusal on his constitutional privileges, including the fifth amendment.

After finishing law school in 1935, Mr. Rein held a series of jobs with the New York City Charter Commission, the Puerto Rico Reconstruction Administration, and a Committee To Revise the Constitution of New York State. In 1938 David Rein started to work for the National Labor Relations Board in Washington, D. C., as an attorney. In 1942 he transferred to the legal division of the Office of Price Administration. In 1945, after service in the Marine Corps, he returned to work at the National Labor Relations Board. In 1946 he went into private law practice.

David Rein was retained by the American Committee for Protection of Foreign Born to defend various aliens facing deportation because of their Communist activities. In 1956, prior to a Supreme Court hearing on one of these deportation cases, the ACPFB gave a testimonial dinner in honor of David Rein and his law partner. Alec Jones, campaign and educational director of the ACPFB, gave the testimonial speech in which he praised both attorneys and noted that "without their knowledge, guidance, and devotion our cause may well have been set back. \* \* \* There is no way to truly assess the role they have played in our work. \* \* \* If it were not for [them] \* \* \*, we would be lost down there [in Washington]."

Rein has been a member of the National Lawyers Guild since 1938. In 1940 he was a candidate for delegate to the national convention of the guild. He was elected secretary of the Washington, D. C., chapter in 1946 and in 1949 was elected to the guild's national executive board. He was still a member of the board in 1957.

Other Communist fronts in which David Rein has been active are the Washington Book Shop, the Washington Committee for Democratic Action, and the American League for Peace and Democracy. He was a sponsor of the National Nonpartisan Committee to Defend the Rights of the Twelve Communist Leaders.

In opposition to anti-Communist legislation, Mr. Rein has been quite vocal. He was one of those who signed a statement against the Mundt anti-Communist bill in 1948. In a speech before the American Committee for Protection of Foreign Born he condemned "the notorious 'Smith Act' as a repressive measure against foreign born \* \* \* which was passed by Congress \* \* \* without any consideration of really what it meant or what it implied."

COMMUNIST LEGAL SUBVERSION  
**ALLAN R. ROSENBERG, MASSACHUSETTS**

Herbert Fuchs testified before this committee on December 13, 1955, that Allan R. Rosenberg had assisted him in the organization of a Communist cell comprised of employees of the National Labor Relations Board in 1937. Mr. Rosenberg was employed in the Review Division of the National Labor Relations Board from 1937 until 1941 as a lawyer and as an assistant to the Secretary.

Allan R. Rosenberg was identified as a Communist before this committee on July 31, 1948, by Elizabeth T. Bentley. In her testimony Miss Bentley, who served as courier between Soviet agents and Communist employees of the Federal Government in the early 1940's, accused Allan Rosenberg of having been a member of the so-called "Perlo group" during the years 1941-45 while employed in the General Counsel's office of the Foreign Economic Administration, formerly the Board of Economic Warfare. The Victor Perlo group, according to Miss Bentley, was a Communist underground group operating in the Federal Government from the early thirties which had been collecting information for the benefit of the Soviet Union for some years.

Allan R. Rosenberg testified before this committee on June 23, 1952, and again on February 21, 1956. Although admitting he had been employed by the National Labor Relations Board and the Foreign Economic Administration, Allan Rosenberg invoked the fifth amendment when he was questioned concerning Communist Party membership. Mr. Rosenberg resigned his Government post in 1945 to enter private law practice.

According to his testimony before this committee, Allan Rosenberg joined the National Lawyers Guild in 1936. Mr. Rosenberg testified that he was the treasurer of the District of Columbia chapter of the National Lawyers Guild during the late thirties or the early forties. Allan Rosenberg was elected a member-at-large of the executive board of the National Lawyers Guild by the 1956 and 1957 guild conventions.

**ROSE S. ROSENBERG, CALIFORNIA**

Rose S. Rosenberg was identified as a member of the Communist Party by former Communist Party members, Milton S. Tyre on December 14, 1951, and A. Marburg Yerkes on January 24, 1952, when they testified before this committee on those dates. Both Mr. Tyre and Mr. Yerkes testified that they had known Mrs. Rosenberg as a member of a Communist lawyers' group in Los Angeles.

Rose S. Rosenberg testified before this committee on October 1, 1952, at which time she invoked the fifth amendment in refusing to answer questions concerning her Communist Party membership.

Mrs. Rosenberg was retained by the Los Angeles Committee for Protection of Foreign Born as defense attorney for more than half a dozen aliens subject to deportation proceedings between 1950 and 1954 under the Walter-McCarran Act as a result of Communist Party activities.

In December 1955, Abner Green, executive secretary of the American Committee for Protection of Foreign Born, sought Mrs. Rosenberg's assistance in securing for him material which could be used in connection with the appearance of a witness before the Subversive



Activities Control Board in behalf of the American Committee for Protection of Foreign Born. The witness in question was active in the Los Angeles Committee for Protection of Foreign Born.

Protesting a local Communist registration ordinance, Rose S. Rosenberg submitted a brief to a justice of the peace in El Monte, Calif., during October 1950.

During September 1951, Rose S. Rosenberg joined in signing an appeal which appeared in the Los Angeles Times urging that reasonable bail be granted 15 California Smith Act defendants.

During February 1953, Rose S. Rosenberg was one of the signers of the motion asking the United States Supreme Court for permission to file an amicus curiae brief in support of a rehearing for the Baltimore Smith Act defendants.

Rose S. Rosenberg during January 1951 sponsored the National Women's Appeal for the Rights of Foreign-Born Americans, an affiliate of the Communist-controlled American Committee for Protection of Foreign Born. The National Women's Appeal had been organized to defend 28 women who had been arrested in deportation proceedings.

Mrs. Rosenberg was 1 of 55 women who signed an open letter to President Truman requesting him to call a halt to McCarran Law deportation proceedings. A delegation of women presented the letter to the President's secretary in May 1951. The women came to Washington under the auspices of the National Women's Appeal for the Rights of Foreign-Born Americans.

Rose S. Rosenberg spoke at a meeting sponsored by the Communist front, the Ethel Linn Defense Committee for the Repeal of the McCarran-Walter Act, during November 1953. This meeting was to protest the deportation of identified Communist Ethel Linn and to hear a discussion of the McCarran-Walter Act under which she was arrested.

Mrs. Rosenberg addressed a meeting during March 1954 which was sponsored by the Los Angeles Rosenberg-Sobell Committee on the legal implications of the Julius and Ethel Rosenberg atomic espionage case.

Rose S. Rosenberg was honored at a Mother's Day testimonial for peace during May 1954, sponsored by the Southern California Peace Crusade.

During the years 1951 and 1952, Mrs. Rosenberg sent Labor Day and May Day greetings to the Daily People's World.

#### SAMUEL ROSENWEIN, CALIFORNIA

Samuel Rosenwein was identified as a member of the Communist Party before this committee on January 24, 1952, by A. Marburg Yerkes, a former member of the Communist Party. Mr. Yerkes stated in his testimony that he knew Mr. Rosenwein as a member of a Communist lawyers' group in Los Angeles.

Mr. Rosenwein was publicized as being chief counsel for the subversive Civil Rights Congress during 1947 and 1948. As chief counsel for this front organization, he prepared a lengthy legal analysis, attacking the proposed Mundt anti-Communist bill, which was circulated by the Civil Rights Congress to Members of Congress in May 1948. A Civil Rights Congress open letter accompanying Mr. Rosen-

wein's analysis urged Congressmen "to not only vote against, but to speak against" the bill.

Mr. Rosenwein was one of the attorneys retained by the Civil Rights Congress to defend an identified Communist convicted of contempt of Congress in 1947.

During May 1948, Mr. Rosenwein spoke at a rally for "peace" which was sponsored by the National Council of American-Soviet Friendship, a Communist front.

During 1949, Samuel Rosenwein was chairman of the civil liberties committee of the National Lawyers Guild.

Mr. Rosenwein was the author of an article which appeared in the spring, 1949 issue of the Lawyers Guild Review.

#### RICHARD L. RYKOFF, CALIFORNIA

Richard Rykoff, who has been engaged in private law practice in Los Angeles for more than 10 years, joined a special lawyers' group of the Communist Party in Los Angeles in 1948, according to a former member of the party group, David Aaron, who testified before this committee on January 23, 1952.

Anita Schneider, who entered the Communist Party in southern California as an undercover agent in 1951, also had extensive contacts with Lawyer Rykoff within the party, according to her testimony on July 5 and 6, 1955.

The lawyer invoked the fifth amendment, however, rather than answer questions regarding Communist Party membership when he was subpoenaed as a witness before the committee on October 1, 1952.

Mrs. Schneider, who was active in the party and its front organizations in the San Diego area, testified that the party had instructed its Civil Rights Congress in the early 1950's to develop a campaign in defense of Emory Collier, a San Diego man involved with the law. Mrs. Schneider said the Communist Party did not concern itself with the innocence or guilt of the man, because the case was undertaken only to propagandize for the party. She said that she and other Communists in San Diego met with Los Angeles Lawyer Rykoff and received instructions from him on what steps to take in order to conceal the real Communist purpose of the Collier campaign.

Party member Schneider was once considered as a possible delegate to an international Communist "peace" conference in Stockholm from which it was planned she would also make a trip to the Soviet Union. In discussing with Mr. Rykoff the problem of applying for a passport in the light of State Department restrictions on travel behind the Iron Curtain, Mrs. Schneider testified that the lawyer advised her to conceal her real destination from the State Department in filling out a passport application even though she would be required to swear to the truthfulness of the information.

Mrs. Schneider again contacted Mr. Rykoff in 1953 for suggestions for films to be shown by a Communist-operated film club in San Diego. Her testimony and correspondence produced for the record disclosed that the lawyer recommended the film "Salt of the Earth," then being produced under the sponsorship of the Communist-dominated Mine, Mill, and Smelter Workers Union and under the direction of identified Communist Herbert Biberman. At Mr. Rykoff's suggestion, Biberman subsequently approached Mrs. Schneider with a proposal that she

help raise \$20,000 in loans in San Diego for the purpose of completing production of the film.

The Los Angeles Committee for Protection of Foreign Born retained Mr. Rykoff in 1955 for the purpose of defending an alien subject to deportation proceedings on the basis of membership in the Communist Party.

Richard Rykoff was one of the signers of a motion in 1953 asking the United States Supreme Court for permission to file a brief for a rehearing for Baltimore, Md., Communist leaders convicted under the Smith Act.

The Civil Rights Congress listed Mr. Rykoff as one of the financial contributors to its published booklet, "Civil Rights Congress Tells the Story."

#### HARRY SACHER, NEW YORK

Harry Sacher was first identified as a member of the Communist Party by Thomas H. O'Shea, former Communist who was the first president of the Transport Workers Union. O'Shea testified on April 23, 1940, before the Special Committee on Un-American Activities that in the 1930's he was in frequent contact with Harry Sacher, who was an attorney for the Transport Workers Union.

Mortimer Riemer, in testimony before this committee on December 14, 1955, also identified Harry Sacher as a member of the Communist Party.

In 1953 in hearings before the Subversive Activities Control Board, Louis Budenz testified that he knew Sacher to be a member of the Communist Party in the 1940's.

Harry Sacher appeared before the Senate Internal Security Subcommittee on April 19, 1955, at which time he refused to answer questions concerning present or past membership in the Communist Party, invoking the first amendment. He was subsequently convicted in the courts for contempt of Congress as a result of his appearance before the Senate subcommittee. The United States Supreme Court in 1957 reversed the conviction and referred the case back to a lower court for reconsideration in the light of the Watkins decision. In 1958 the United States court of appeals in Washington, in reconsidering the case, upheld the contempt of Congress conviction against him.

The records of the committee show that Mr. Sacher was not only attorney for the Transport Workers Union in the 1930's but held the post of general counsel to the international union throughout most of the 1940's. The Special Committee on Un-American Activities found in 1944 that the Transport Workers Union was among those unions having Communist leadership "strongly entrenched." In a 1951 report, the committee noted that the Transport Workers Union was among unions which since "tried to clean out the Communists from their unions."

The executive board of Local 100 of the Transport Workers Union of America, CIO, voted in September 1948 to dismiss Harry Sacher, its counsel for 14 years. The international president of the union, Michael J. Quill, who later that year succeeded in getting Mr. Sacher ousted from his position as general counsel for the international union, declared that the "purge" of leftwing elements would offer the Transport Workers Union its first opportunity "to operate as a natural trade union." He also contended it was "plain" that Mr.

Sacher was working with the Communistic bloc and that there was little use in "trying to appease him."

Mr. Sacher was defense counsel for John Gates, editor of the Daily Worker, when Mr. Gates was tried with 10 other national Communist Party leaders under the Smith Act in 1949 for advocating overthrow of the Government by force and violence. In the course of this trial, Sacher's insults and mockery of the court earned for him a conviction of contempt of court for which he served a jail sentence. Because of his conduct in the courtroom during this trial, two bar associations brought motions to have Harry Sacher disbarred. The case went before Federal Judge Harold C. Hincks of New Haven, Conn.

One of the items in Sacher's conduct considered by Judge Hincks was Sacher's assertion that United States Attorney Francis McGohey, if he had been a prosecutor in the early Christian era "would have Jesus in the dock."

In his decision disbaring Sacher, Judge Hincks ruled, "The assertion \* \* \* was so improper as to be atrocious. The incident \* \* \* is crowning proof of the fact that Mr. Sacher is skilled \* \* \* in the art of inflammation \* \* \* he cannot safely be left as a member of this bar."

Harry Sacher was disbarred for life from the practice of law in 1951. In 1954, the decision was reversed by the Supreme Court.

Mr. Sacher's talents were utilized by the Communist Party in many of its fronts.

Mr. Sacher lectured at the Communist Workers School in New York during March and April 1938.

Mr. Sacher was a member of the Lawyers Committee on American Relations with Spain and was a speaker, in March 1938, at its first public meeting. The Special Committee on Un-American Activities in 1944 said of this lawyers committee: "When it was the policy of the Communist Party to organize much of its main propaganda around the civil war in Spain," the above "Communist lawyers' front organization" supported this movement.

Harry Sacher was one of 63 lawyers, members of the Lawyers' Committee To Keep the United States Out of War, who drew up a resolution against conscription sent by telegram to the House Military Affairs Committee during September 1940.

Mr. Sacher was a member of the executive committee, New York City division of the American League for Peace and Democracy in the period 1939-40.

Mr. Sacher, in 1941, was one of the signers of a statement urging the President and Congress to defend the rights of the Communist Party.

Mr. Sacher was a guest lecturer in 1942 at the School for Democracy, which later merged with the Workers School into the Jefferson School of Social Science.

Mr. Sacher has held the following National Lawyers Guild offices: member of committee on constitution and judicial review, 1937; member, committee on labor law and social legislation, 1937; director ex officio, 1940; member, convention resolutions committee, fifth annual convention, 1941, at which he also participated in a discussion entitled "The Right to Strike and Compulsory Arbitration"; member of the national executive board in 1949, 1950, 1956, and 1957. He was elected

voting member of the board of directors for 1953-54 at the annual meeting of the guild's New York City chapter and again elected to the board of directors for the New York City chapter for 1955, 1957, and 1958.

Harry Sacher was one of the scheduled speakers on the subject of "Labor and the Taft-Hartley Law" at a conference sponsored by the Jefferson School of Social Science in 1947. Mr. Sacher, in 1948, was again a speaker for the school when it sponsored a forum on "Civil Rights in America." During the years 1944 through 1950, Mr. Sacher was a member of the board of trustees of the Jefferson School.

Mr. Sacher was a sponsor of a National Civil Rights Legislative Conference of the Civil Rights Congress in 1949. He was also a speaker for this organization on various other occasions. Harry Sacher and Abraham Isserman, who faced prison for contempt of court as a result of their conduct in the defense of the jailed Communist leaders, were among the "distinguished guests" introduced at the sixth anniversary dinner of the Civil Rights Congress in 1952.

The National Council of the Arts, Sciences, and Professions honored Harry Sacher at a reception in 1951. Mr. Sacher was scheduled to speak at a mass meeting on civil liberties held in 1952 and sponsored by the ASP. He was also scheduled to speak at a meeting sponsored by the New York Council of the ASP in 1952.

Harry Sacher was a scheduled speaker at a rally to repeal the Smith Act in 1951. In 1952, the Painters Committee To Defend Louis Weinstock and To Repeal the Smith Act scheduled Mr. Sacher to speak at one of its meetings. Harry Sacher spoke at a rally sponsored by the American Labor Party in May 1954 arranged to urge Congress to "stop McCarthyism."

#### HYMAN SCHLESINGER, PENNSYLVANIA

Matthew Cvetic, appearing before this committee on February 22, 1950, testified that Hyman Schlesinger was a lawyer in Pittsburgh who was also a member of the Communist Party. Mr. Cvetic said that while he was having dinner with Hyman Schlesinger and others on one occasion in 1949, Mr. Schlesinger made the statement: "While we have a strong Communist Party in New York City, I don't see how we can wage a successful revolution unless we build the party in Pittsburgh. It stands to reason that we must get control of the basic industries and the industrial workers before we can even think of a revolution."

Mr. Cvetic testified before the Subversive Activities Control Board when the SACB held hearings in 1954 and 1955 on the Attorney General's petition that the Civil Rights Congress register as a Communist-front organization. Mr. Cvetic then related how a Communist Party organizer for the State of Pennsylvania directed Cvetic to contact Hyman Schlesinger, a member of the party's legal commission in Pittsburgh, to set up a Civil Rights Congress chapter in Pittsburgh. Mr. Schlesinger then held an organizational meeting to set up the CRC chapter but warned that "Trotskyites" and disruptionists should be kept out of CRC, according to Cvetic.

Mr. Schlesinger appeared before this committee as a witness on November 28, 1956, in Youngstown, Ohio, at which time he refused to

answer questions pertaining to Communist Party membership, under the protection of the fifth amendment.

Hyman Schlesinger was a member of the executive board of the National Lawyers Guild in 1949 and 1950. He was elected a member-at-large of the National Lawyers Guild executive board at both the 1956 and 1957 conventions.

#### ESTHER SHANDLER, CALIFORNIA

Esther Shandler was identified as a member of a group of Communist lawyers in the Los Angeles area in hearings held by the Committee on Un-American Activities in January 1952. Former Communist lawyers so identifying Miss Shandler were: David Aaron, Marburg Yerkes, Milton Tyre, and William Israel.

Esther Shandler appeared as a witness at these same hearings and again at hearings held in 1956. On both occasions she invoked the fifth amendment when questioned concerning her Communist activities.

Miss Shandler was admitted to the bar of the State of California in December 1945 and started to practice law in April 1946.

Miss Shandler was listed as early as 1951 and as late as 1956 as a member of a panel of attorneys retained by the Communist-controlled Los Angeles Committee for Protection of Foreign Born to represent various defendants in legal proceedings.

Esther Shandler's services to the Los Angeles Committee for Protection of Foreign Born have not been limited to her appearances in court in behalf of those being defended by the committee. In 1951 she was a panel reporter at a regional conference of the Los Angeles Committee for Protection of Foreign Born which called for the repeal of anti-Communist legislation, "the Smith and McCarran Acts."

In 1953 she was 1 of the 3 delegates sent by the Los Angeles committee to the National Conference To Repeal the Walter-McCarran Law and Defend Its Victims. At the conference, held in Chicago under the auspices of the American Committee for Protection of Foreign Born, ACPFB chairman Abner Green noted in his report that it would not have been possible for the ACPFB to carry on its work "without the outstanding contributions that have been made and continue to be made by our attorneys in every area of the country."

At the fifth annual conference of the Los Angeles committee which was held in 1955 and which called for the outright repeal of the Walter-McCarran law, Esther Shandler and John Porter headed the legal panel discussion on technical questions regarding deportation and denaturalization aspects of the Walter-McCarran law.

The Los Angeles committee's sixth annual conference was held in 1956, at which time Miss Shandler reported on the status of cases defended by the legal panel. She said there were 20 facing imminent deportation, nearly 50 facing supervisory parole, and 8 denaturalization proceedings. She also reported that every effort would be made to keep all deportees here and to retain the citizenship of those whose naturalization was under attack. At this conference, Miss Shandler also chaired a session on the subject of deportation of Mexican nationals and Mexican-Americans.

**ROBERT J. SILBERSTEIN, NEW YORK**

Robert J. Silberstein was identified as a member of the Communist Party in sworn testimony before the Committee on Un-American Activities by three lawyers who were former Communists. On December 14, 1955, Mortimer Riemer testified that he knew Silberstein as a Communist and that he attended meetings of a Communist lawyers' group in Silberstein's home in New York in the late 1930's. David Aaron testified in 1952 that he met Silberstein in Los Angeles in the 1940's at a secret Communist meeting in the home of John McTernan, at which time Silberstein spoke on the function of a Los Angeles Communist lawyers' group—what it was supposed to do and its relationship with the National Lawyers Guild.

At these same hearings Marburg Yerkes testified that he, too, met Silberstein at the meeting about which Mr. Aaron testified.

Mr. Silberstein appeared as a witness before this committee on April 9, 1952. He invoked the fifth amendment when questioned about his connections with the Communist Party.

Robert Silberstein has been connected with the National Lawyers Guild since its earliest days. In 1940 he was executive secretary of the New York branch of the National Lawyers Guild. In 1941 he was elected to the national executive board. In 1947 he left private law practice to become the national executive secretary of the guild and carry out the policies adopted by the national convention and by the national board, which is the governing body of the guild between conventions. In 1949 he was sent by the guild as one of its representatives to the convention of the Moscow-controlled International Association of Democratic Lawyers in Rome, Italy. At the conference he voted for the expulsion of the Yugoslav delegates, in accord with the current line of the Kremlin, then disputing with Marshal Tito. When questioned by this committee as to why he voted for expulsion of the Yugoslav delegates, he said that he had voted that way because the delegation did not answer certain charges which were made against it, "not based on wrongdoing on its part but based on its qualifications to continue as a member, and as they didn't answer the question, and I simply felt the question ought to be answered."

Representative Walter of the committee asked, "How do you reconcile the position you are taking today with respect to refusing to answer questions with the position you took in Rome when you voted to exclude from a conference the Yugoslav delegates only because they refused to answer questions?" Mr. Silberstein claimed he could not see the parallel between the situations.

Lawyer Silberstein has been extremely active in opposition to anti-Communist legislation and investigations of the Communist conspiracy. In 1947, speaking as executive secretary of the National Lawyers Guild, Mr. Silberstein blasted the Federal Bureau of Investigation, accusing it of "outrageous action" in setting itself up as "a high priest of political orthodoxy." He protested the issuance of subversive lists, saying they tend to "intimidate" citizens in the exercise of constitutional rights. In 1950, Silberstein was one of a committee of the guild which prepared a report to the President recommending that the President constitute a committee of private citizens to make a thorough investigation of the FBI.

In 1954, acting in his official capacity of executive secretary of the National Lawyers Guild, Silberstein announced that he had sent a letter to the House Judiciary Committee denouncing as legislative verdicts of guilty, proposed bills designed to outlaw the Communist Party.

He was secretary of the National Committee To Defeat the Mundt Bill. When this Communist-controlled lobby was working to defeat the anti-Communist bill, Mr. Silberstein, then executive secretary of the National Lawyers Guild, placed at the disposal of Jerry O'Connell, chairman of the lobbying committee, the entire facilities of the Washington offices of the guild.

While testifying before this committee, Mr. Silberstein called the Mundt-Nixon bill the "most reactionary and repressive measure ever passed in the history of our country." In the course of his testimony he also verified that he had, as executive secretary of the National Lawyers Guild, protested to the Attorney General that the Smith Act was "incompatible with the Bill of Rights."

#### LAURENCE R. SPERBER, CALIFORNIA

Laurence R. Sperber attended meetings of a special lawyers' group of the Communist Party in Los Angeles, according to former Communist lawyer A. Marburg Yerkes, who testified before this committee on January 24, 1952. Mr. Sperber invoked the fifth amendment, however, when summoned before the committee as a witness on October 1, 1952, and asked about his membership in the Community Party.

Mr. Sperber served for many years as secretary of the Los Angeles chapter of the National Lawyers Guild. Publicity issued in connection with various guild activities listed him as executive secretary of the local chapter in 1950, 1951, 1952, 1954, and 1956.

He was a delegate to the guild's national conventions held in New York in February 1953 and in Chicago in November 1954. At the guild's 1956 national convention in Detroit, he acted as chairman of a "build the guild" session. For the guild's 1957 convention in New York, he served as chairman of a "revision of the constitution committee," member of the "convention program and arrangements committee" and member of the "nominating committee." He was elected to the guild's national executive board at both the 1956 and 1957 conventions.

In his capacity as executive secretary of the Los Angeles guild Mr. Sperber announced in 1950 both his and the guild's opposition to local ordinances requiring registration of Communists.

In the same year, Laurence Sperber received publicity as a member of the local lawyers' guild who was questioned by police for soliciting signatures to the Stockholm Peace Petition on a Beverly Hills street corner. The international Communist movement had launched a worldwide drive for signatures to the petition in 1950 as an obvious smokescreen for subsequent armed Communist aggression against South Korea.

In 1951, Lawyer Sperber signed his name to a number of paid advertisements in local newspapers urging repeal of such security legislation as the Smith, Taft-Hartley, and McCarran Acts; calling for the abolition of committees investigating Communist subversion; and appealing for "reasonable bail" for California Communist Party



leaders subject to proceedings under the Smith Act. He was one of the signers of a motion which asked the United States Supreme Court in 1953 for permission to file a brief for a rehearing for Maryland Communist Party leaders convicted under the Smith Act.

Mr. Sperber was a signer of an amicus curiae brief which in 1952 urged dismissal of liquidation proceedings against the International Workers Order, one of the Communist Party's strongest front organizations. He was listed by the Communist-controlled Civil Rights Congress as one of the financial contributors to its publication, "The Civil Rights Congress Tells the Story."

**FRED H. STEINMETZ, CALIFORNIA**

Fred H. Steinmetz was one of the leaders of a secret Communist Party group in Los Angeles composed exclusively of lawyers, according to a former member of the group, A. Marburg Yerkes, who testified before this committee on January 24, 1952. Mr. Steinmetz' membership in this party organization was also confirmed in testimony before the committee by other former Communist lawyers: David Aaron and Albert Herzig, testifying on January 23, 1952; William G. Israel, appearing on January 25, 1952; and Milton S. Tyre, who testified December 14, 1951.

When confronted with this evidence as a witness before the committee on September 30, 1952, Fred H. Steinmetz invoked the fifth amendment rather than affirm or deny past or present membership in the Communist Party.

A lawyer practicing in the city of Los Angeles since 1940, Mr. Steinmetz has been a supporter of the local chapter of the subversive Civil Rights Congress. His name appeared on a paid newspaper advertisement initiated in 1948 by the Civil Rights Congress to protest contempt charges against Communist functionaries who refused to answer questions before a Federal grand jury sitting in Los Angeles. He also signed a statement in that period which called for dismissal of the grand jury itself and wide public attendance at a Civil Rights Congress meeting to protest the proceedings.

In 1950, he served as sponsor of a conference and convention called by the Civil Rights Congress in Los Angeles to devise a program to halt legal proceedings against Communist conspirators. In the same year his name appeared as signer on a propaganda statement against denaturalization proceedings issued by the Communist-controlled American Committee for Protection of Foreign Born.

A paid advertisement carried in a Los Angeles newspaper in 1951 advocated repeal of such security legislation as the Smith, Taft-Hartley, and McCarran Acts and the abolition of committees investigating Communist subversion. Fred Steinmetz' name appeared as signer of this appeal. Meanwhile, in 1951, Mr. Steinmetz was advertised in the Daily People's World as sending both May Day and Labor Day greetings to this West Coast Communist newspaper.

Mr. Steinmetz was one of the signers of a motion in 1953 asking the United States Supreme Court for permission to file an amicus curiae brief in support of a rehearing for Maryland Communist Party leaders convicted under the Smith Act.

**JACK TENNER, CALIFORNIA**

Jack Tenner was identified as a member of the Communist Party in sworn testimony before this committee by three lawyers, David Aaron, Marburg Yerkes, and Milton Tyre, who were former members of the Communist Party. The hearings were conducted in 1952 during the committee's investigation of communism in Los Angeles professional groups. Mr. Tenner was identified as a member of a group of Communist lawyers in Los Angeles.

Mr. Tenner appeared as a witness on October 1, 1952, and refused to answer questions pertaining to Communist Party membership, using the fifth amendment as a basis for his refusal.

Jack Tenner was born in Russia and received his naturalization through derivative citizenship. He has been practicing law since 1948. While he was being questioned by this committee about the Communist conspiracy, he accused the committee of buying informers and made similar scurrilous charges.

In 1948, Mr. Tenner was one of the lawyers who signed a statement issued by the Civil Rights Congress, urging dismissal of contempt charges against Communist functionaries who refused to answer questions before a Federal grand jury sitting in Los Angeles. He also called for dismissal of the grand jury itself.

A member of the legal panel of the Los Angeles Committee for Protection of Foreign Born, Mr. Tenner was one of the spokesmen for the panel at a dinner given by the Los Angeles committee in honor of its attorneys in 1953.

In 1954, the Los Angeles Committee To Secure Justice for Morton Sobell held a meeting called the "Scroll Call for Justice" in an effort to obtain 10,000 signatures on a petition in the fight for freedom of Morton Sobell. Jack Tenner was master of ceremonies at the meeting.

Mr. Tenner has been a member of the National Lawyers Guild for several years. He was a member of the resolutions committee for the 20th anniversary convention in 1956 and elected to the executive board at that convention.

**ROBERT E. TREUHAF, CALIFORNIA**

Robert Treuhaf was identified as a member of the Communist Party in sworn testimony before the Committee on Un-American Activities on December 2, 1953, by Dickson P. Hill and on December 3, 1953, by Charles D. Blodgett. He was again identified in June 1957 by Dr. Jack Patten.

Mr. Treuhaf appeared as a witness before this committee in 1953 and refused to answer questions concerning his Communist Party membership, basing his refusal on the protection of the fifth amendment.

Mr. Treuhaf has as his law partner another identified Communist, Bertram Edises, whose record appears earlier in this report. The law firm represents the East Bay Civil Rights Congress and, at a testimonial dinner given by the Civil Rights Congress to honor these two attorneys in 1951, it was noted that they had been members of the legal staff of the East Bay Civil Rights Congress since its inception.

In 1948 Mr. Treuhaf was chosen to serve as vice chairman of the Independent Progressive Party in Alameda County, Calif. He was also a sponsor of Edises' campaign when Edises ran for district attorney on the Independent Progressive Party ticket.

Mr. Treuhaft was general counsel for the East Bay Division of Warehouse Local 6 of the International Longshoremen's and Warehousemen's Union. This union has been cited as having "Communist leadership entrenched" and was expelled from the CIO by vote of the executive board in 1950.

Another Communist-front organization which has had the benefit of Mr. Treuhaft's legal training is the Minute Women for Peace. This organization was formed by the Communists as an attempt to dupe women in the United States into aiding their fraudulent "peace" program. In 1950, the East Bay Minute Women for Peace were circulating petitions on outlawing the atom bomb. Robert Treuhaft was the lawyer who explained the legal rights of petition circulators to the organization.

In 1951, Mr. Treuhaft was a featured speaker at the California Labor School when the school was presenting a "Defend Your Rights" series of lectures.

In 1952, he was one of those who sponsored a national tour for William Patterson, national executive secretary of the Civil Rights Congress and an identified Communist.

Lawyer Treuhaft in 1954 was a delegate from the Bay area to the 19th annual convention of the National Lawyers Guild in Chicago. He was elected to the national executive board of the guild at its 1957 convention.

#### ABRAHAM UNGER, NEW YORK

Abraham Unger, a lawyer in New York City, has played an important role in the Communist Party for many years. Mortimer Riemer, lawyer and former Communist, knew Mr. Unger as a member of a Communist Party lawyers' group in New York as far back as 1936.<sup>30</sup> John Lautner, onetime party official, has testified that his contacts with Mr. Unger in Communist Party work extended from 1940 until 1949 and that the lawyer held the status of a party "functionary."<sup>31</sup>

Mr. Lautner's first contact with Mr. Unger occurred in 1940 when the Communist Party sent Lautner to consult with the lawyer on certain party problems. Mr. Lautner knew Mr. Unger as a member of the constitution committee at the Communist Party's national convention in 1945, and also saw him at the party's 1948 national convention. Mr. Lautner related that he met Mr. Unger again in 1949 at a party meeting held in the lawyer's offices at the call of the New York State secretariat of the Communist Party; according to Mr. Lautner, the meeting was held to make final decisions regarding the expulsion from the Communist Party of Bella Dodd.

In an appearance as a witness before the Senate Permanent Subcommittee on Investigations on September 17, 1953, Mr. Unger was questioned regarding membership in the Communist Party but would not affirm or deny membership.

The firm of Unger, Freedman, and Fleischer served as the Communist Party's lawyers, according to the testimony of John Lautner.

<sup>30</sup> Testimony of Mortimer Riemer before House Committee on Un-American Activities, December 14, 1955.

<sup>31</sup> Testimony of John Lautner before House Committee on Un-American Activities, November 3, 1956, and before Senate Permanent Subcommittee on Investigations, September 18, 1953.

For a long period of years, Mr. Unger has been appearing in the courts as legal representative of the Communist Party, its front organizations, and top national officials of the Communist Party.

From 1935 through 1940, Mr. Unger was publicized in various court appearances as attorney for the International Labor Defense. This now defunct legal defense arm of the Communist Party also utilized Mr. Unger as a speaker. In 1949, Mr. Unger was retained as attorney by a similar defense organization of the party, the Civil Rights Congress.

In addition to his legal services, Mr. Unger has been of repeated use to the Communist cause in the capacities of writer, speaker, and officer.

Articles and letters written by Mr. Unger on important party issues of the time have appeared in the Communist Party's official newspaper, the Daily Worker, since 1949.

In lengthy letters to the editor of the Daily Worker in April and October 1956,<sup>32</sup> Mr. Unger severely lectured the newspaper for a "degeneration" in thinking "among those who speak for the Communist Party in the United States." He criticized the newspaper, then under the editorship of John Gates, for aiding anti-Communists by critical editorial comments on admitted miscarriages of justice in Communist Hungary and on Soviet suppression of a show of independence by Communist Poland. Mr. Unger attacked both Yugoslavia and Poland for daring to deviate from the path of complete subservience to the Soviet Union; he described the previous relationship between the U. S. S. R. and its Polish satellite as "a true example of democracy." He lauded Communist totalitarianism as a system "dedicated to the freedom and liberty of mankind" and warned that Communists in the United States had "the duty" to show any admitted miscarriage of justice behind the Iron Curtain was a "mishap" foreign to Communist ideals.

Abraham Unger's stand accorded with that of the head of the Communist Party of the United States, who subsequently squelched Daily Worker questioning of foreign Communist tactics by installing other party members on the newspaper. Editor John Gates resigned from the Communist Party as well as the newspaper in the course of this controversy.

Mr. Unger was a frequent contributor of articles to the Communist weekly magazine New Masses in the period from 1941 through 1947. In the latter year, he was one of the sponsors of a plea for financial support for the publication.

As speaker or officer, Mr. Unger has been prominent in front organizations of the Communist Party since the 1930's.

In the 1930's, he was featured as speaker at the Communist Workers School in New York City, and in behalf of the American Friends of the Soviet Union and the Yiddish Communist newspaper Morning Freiheit. That period also saw him serving as treasurer of the Communist front, the American Society for Technical Aid to Spanish Democracy, and as a member of the Spain commission of the American League for Peace and Democracy.

In recent years, he has been extremely active in the affairs of the National Lawyers Guild. In 1947 and 1948, he served as executive

<sup>32</sup> Daily Worker, April 25, 1956, p. 4, and October 29, 1956, p. 4.

secretary of the New York chapter of the guild. As a representative of the chapter, he appeared as speaker against a measure which would prevent the Communist Party and its youth organization, the American Youth for Democracy, from using public schools for meeting purposes. The board of directors of the New York City chapter of the guild elected Mr. Unger to nonvoting ex-officio membership on the board in 1953.

Mr. Unger participated in a discussion on "Status of Civil Liberties" at the National Lawyers Guild convention held in 1941 in Detroit. He served on the national executive board of the guild in 1949 and 1950. He was also elected to the executive board of the national guild organization at its 1956 convention. At the guild's 1957 national convention, he served on the resolutions committee. In both 1956 and 1957, he was a member of the editorial board of the Lawyers Guild Review, the national guild publication. In 1957, he was also listed as being a member of the editorial board of the New York Guild Lawyer, published by the New York chapter of the guild.

Publicized as a speaker at the Jefferson School of Social Science in 1947 and again in 1956, Mr. Unger in the latter year was a scheduled panelist at a Jefferson School round table on Leninism and United States Marxists. He was also a scheduled speaker at a 1948 function of the International Workers Order. His name appeared on an open letter to Members of Congress which the Conference on Peaceful Alternatives to the Atlantic Pact sponsored in 1949 in an attempt to defeat a Presidential arms program. In 1950, he joined a delegation in behalf of the subversive Council on African Affairs. He attended a banquet held by the American Committee for Protection of Foreign Born in New York City in 1956.

**DORIS BRIN WALKER (MRS. MASON ROBERSON), CALIFORNIA**

Doris Brin Walker, also known as Doris Marasse and Mrs. Mason Roberson, was identified as a member of the Communist Party before this committee on December 2, 1953, by Dickson P. Hill, an undercover agent for the Federal Bureau of Investigation from 1945 until 1949. Dr. Jack Patten, a former Communist Party member, also identified Doris Brin Walker as a member of the Communist Party when he testified before this committee on June 19, 1957.

Mrs. Walker appeared as a witness before this committee on December 4, 1953, at which time she invoked the fifth amendment in refusing to answer questions concerning her Communist Party membership and activities.

Doris Brin Walker was admitted to the California State bar in 1942. She was employed as an enforcement attorney by the Federal Office of Price Administration in San Francisco from 1942 until 1944. From 1944 until late 1945 Doris Brin Walker was in private law practice in San Francisco with four identified Communists, Richard Gladstein, Aubrey Grossman, Bertram Edises, and the late Harold Sawyer.

Mrs. Walker then quit the practice of law and, concealing her professional background, worked at minor jobs in packing plants and other commercial firms in California. Between 1946 and 1949, Mrs. Walker was employed by the H. J. Heinz Co., where the lawyer was a filling-machine operator, the Bercut-Richards Packing Co., and the Cutter Laboratories (who employed the lawyer as a "label clerk.")

While holding these low-level plant jobs, she was also active in the Cannery Workers Union and the United Office and Professional Workers Union.

Mrs. Walker was fired from a number of her plant jobs when her employers were informed that she was a member of the party and was concealing her true professional status as a lawyer. She then took full-time employment as Los Angeles County director of the Communist-operated political front, the Independent Progressive Party, from 1949 to 1951. She finally resumed the active practice of law in 1951, this time in Alameda County, Calif.

The committee has found many instances in which Communist Party members with professional backgrounds have concealed their training in order to get jobs in basic industries; it was learned that this was part of a carefully worked out Communist Party strategy aimed at furthering the party's efforts to infiltrate and gain positions of influence or control in strategic industry.

That Mrs. Walker's similarly strange career was directly motivated by her efforts to serve the Communist Party was brought to light during various hearings held as a result of her effort to get reinstated in minor plant positions.

When Mrs. Walker unsuccessfully contested her firing from Cutter Laboratories in 1949 for concealing facts regarding membership in the Communist Party and her professional background, the firm's lawyers noted that its business required "more than the usual precaution against sabotage and subversion" because it was a defense plant, manufacturing biological products for both civilian and military use. The firm also noted that as soon as her six months' probationary period of work at Cutter had been completed, Mrs. Walker had become chairman of the plant unit of the United Office and Professional Workers (a union expelled from the CIO the next year for its adherence to the Communist Party line).

Also introduced in evidence was a handwritten letter from Mrs. Walker to State headquarters of the Communist Party, dated July 10, 1946, and stating in part:

\* \* \* I tried to evaluate my action, as I try to evaluate whatever I do, from the point of view of the welfare of the working class and the strengthening of the party \* \* \*

It is interesting to note that Dickson P. Hill, former Federal Bureau of Investigation undercover agent in the Communist Party, who testified before this committee in 1953, said that he had known Mrs. Walker in the 1940's to be a member of a "cannery workers club" of the Communist Party.

Mrs. Walker, after her resumption of active law practice, was the principal speaker at a rally protesting the Los Angeles Smith Act convictions which was sponsored by the Oakland branch of the East Bay Civil Rights Congress during August 1952. During March 1952, Doris Walker had been retained as a defense attorney by the Civil Rights Congress. During December 1953 she participated in a round-table discussion sponsored by the East Bay Civil Rights Congress in Oakland, Calif. Mrs. Walker, along with the other panel speakers, discussed the so-called threat of the House Un-American Activities Committee.

Doris Brin Walker, a member of the "San Francisco Committee To Save the Rosenbergs," joined with the other members in an attempt to obtain a meeting place for a Rosenberg clemency rally in San Francisco during November 1952. Mrs. Walker was the chairman of a Bay area campaign meeting to win a new trial for Morton Sobell during November 1953.

During February 1953, Doris Brin Walker was one of the signers of a motion asking the United States Supreme Court for permission to file an amicus curiae brief in support of a rehearing for the six Baltimore Smith Act defendants.

Mrs. Walker was retained by the Northern California Committee for Protection of Foreign Born as the defense attorney for an alien charged in deportation proceedings with being a Communist Party member after his entry into the United States in 1921.

Mrs. Walker spoke at a mass meeting during July 1953 protesting the deportation on similar charges of William Heikkila. This rally was sponsored by the Northern California Committee for Protection of Foreign Born. Doris Brin Walker was honored as one of a group of San Francisco lawyers who "have staunchly defended the civil rights of the foreign born," at a testimonial dinner on April 30, 1954, sponsored by the Northern California Committee for Protection of Foreign Born in San Francisco, Calif.

During November 1953, Mrs. Walker was the chairman of a meeting held at the California Labor School.

Doris Brin Walker was a delegate from the Bay area to the National Lawyers Guild convention, held in Chicago during November 1954.

Mrs. Walker sent Labor Day greetings to the Daily People's World on September 4, 1953.

#### NATHAN WITT, NEW YORK

Nathan Witt was identified as a member of the Communist Party in sworn testimony before this committee on August 3, 1948, by Whitaker Chambers, a former Communist Party official, who testified that Nathan Witt was the head of a Communist underground group operating in Washington, D. C., in the late thirties for the purpose of infiltrating the United States Government.

On August 24, 1948, Nathan Witt was again identified as a member of the Communist Party by Louis Budenz, a former Communist and managing editor of the Daily Worker.

On October 2, 1952, another phase of the role played by Nathan Witt in the Communist conspiracy was brought to light by Kenneth Eckert, former Communist and union official, in testimony before the Senate Internal Security Subcommittee.

Mr. Chambers testified that Nathan Witt was an attorney for the National Labor Relations Board at the time Chambers knew him. Witt first entered Government employment in 1933 when he was attached to the Agricultural Adjustment Administration of the Department of Agriculture, having been recommended by Lee Pressman.

In 1934 he started to work for the National Labor Relations Board, advancing to the post of Assistant General Counsel in 1935 and to Secretary of the Board in 1937. During his tenure in Government employment, Witt was closely associated with Alger Hiss, John Abt,

Lee Pressman, and Charles Kramer, members of the Communist underground group who were also employed by the Government.

In late 1940 Nathan Witt left the National Labor Relations Board and entered private law practice.

Nathan Witt has held the official post of "the attorney or general counsel" to the International Union of Mine, Mill and Smelter Workers since early 1941, with the exception of a short period during World War II.

Mr. Eckert testified that Nathan Witt in the 1940's was one of the top party men and a liaison between the Communist Party and various unions that were under Communist control, including the Mine, Mill and Smelter Workers. The witness said Mr. Witt frequently transmitted various party directives to the mine-mill union which were then put into effect by the union. Mr. Eckert also testified that Nathan Witt attended many party meetings at which important decisions affecting mine-mill were to be made.

According to Mr. Eckert, mine-mill was regarded by the Communist Party "as one of the key unions in America because of its strategic position in the nonferrous metals industry" and also because it had locals in Alaska in "close proximity to the Soviet Union." Mr. Eckert observed that mine-mill locals in Alaska, completely dominated by the Communist Party, were only 40 miles from the Soviet Union.

In 1941 Nathan Witt was counsel for the United Federal Workers of America, a Communist-dominated union. He was chief counsel for the infamous New York Teachers Union Local 555 in the late 1940's.

Mr. Witt appeared as a witness before the Committee on Un-American Activities in August 1948, September 1950, and for a third time on March 1, 1956. On all three occasions he invoked the fifth amendment and refused to answer questions pertaining to the Communist Party and his membership in it.

In the course of the hearing in 1950, Witt was confronted with a letter dated October 16, 1940, which he as Secretary of the National Labor Relations Board sent to the chairman of a special committee of the House of Representatives to investigate the National Labor Relations Board. In this letter, Mr. Witt wrote: "I am not now, nor have I ever been, a member of the Communist Party, a 'Communist sympathizer' or one who 'hews to the Communist Party line.'"

Mr. Witt, when under oath before the committee, refused, on the grounds of self-incrimination, to state that he had sent the letter or that the statements contained therein were true or false.

Nathan Witt has been an active participant in many other Communist-controlled organizations, serving several in an official capacity.

He was a member of the national committee of the International Juridical Association, a Communist-front organization fully described earlier in this report.

Mr. Witt was counsel for, and a member of, the executive committee of the National Federation for Constitutional Liberties. When this Communist-front organization was absorbed into the Civil Rights Congress at a 1946 conference, he was a member of the resolutions and continuations committees at the conference. In 1949 he was listed as an attorney for the Civil Rights Congress.



Mr. Witt was a member of the board of directors of the New York Conference for Inalienable Rights. This conference was called in February 1941 to attack antisabotage legislation and the Rapp-Coudert Committee investigating subversive activities in the New York public-school system.

The Jefferson School of Social Science was cited as an adjunct of the Communist Party. Mr. Witt in 1950 was on the board of trustees of this front used to recruit new party members and sympathizers.

Other Communist-front organizations which have had the support of Nathan Witt are the Negro Labor Victory Committee, the American League for Peace and Democracy, the Citizens Victory Committee for Harry Bridges, and the National Lawyers Guild.

### CONCLUSION

This committee holds the legal profession of our Nation in the highest esteem and considers the privilege of practicing law one of the most cherished in our system of justice.

In issuing this report on legal subversion, the committee has sought to focus attention upon a very small minority within the legal profession. The activities of this minority should not be permitted to cast discredit upon the overwhelming majority of patriotic attorneys whose work is vital to the very functioning of our democratic processes.

On the other hand, the paucity of lawyers publicly identified as Communists must not be interpreted as meaning that their influence is insignificant and without danger. In the legal as well as other fields, the Communist Party emphasizes discipline and efficiency of members over mere numbers. Any attempt to judge the influence of Communists by their numbers, according to Dr. Frederick C. Schwarz, executive director of the international Christian Anti-Communist Crusade, is like—

trying to determine the validity of the hull of the boat by relating the area of the holes to the area which is sound. One hole can sink the ship. Communism is the theory of the disciplined few controlling and directing the rest. One person in a sensitive position can control, manipulate, and, if necessary, destroy thousands of others.

The committee again emphasizes that it has never conducted an investigation solely directed toward determining the nature and extent of Communist subversion through the instrumentality of the legal profession. The committee nevertheless believes that this report, even though limited to evidence obtained incidentally in the course of other investigations, offers more than ample grounds for prompt action by those who would preserve the high standards of the American bar.

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