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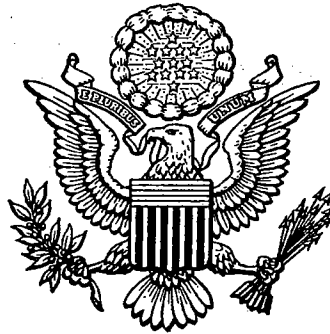
86th Congress, 1st Session

COMMUNIST LEGAL SUBVERSION  
THE ROLE OF THE COMMUNIST LAWYER

REPORT

BY THE

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



FEBRUARY 16, 1959

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86TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT  
1st Session } } No. 41

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## COMMITTEE ON UN-AMERICAN ACTIVITIES

### UNITED STATES HOUSE OF REPRESENTATIVES

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II

## COMMUNIST LEGAL SUBVERSION

The Role of the Communist Lawyer

FEBRUARY 23, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. WALTER, from the Committee on Un-American Activities,  
submitted the following

## REPORT

[Pursuant to H. Res. 7, 86th Cong., 1st sess.]

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III

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"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.)

VIII

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# 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.

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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-

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 groups 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.

formation on the subject which may be available as a result of hearings by other committees of the United States Congress, various State investigative 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.

### 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 otherwise, 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 the local bar association or legal aid societies in order to insure that the applicant has the benefit of legal advice. As examples, the committee cites the appearance of Stanley William Henriksen before the committee in Seattle, Wash., on 16, 1954, and the appearance of William Matthews in Atlanta, Ga., in July 1958. Mr. Henriksen, an identified member of the Communist underground organization in Washington State, invoked the fifth amendment of the United States Constitution before the committee. He was accompanied by Michael K. Copas, president of the Seattle Bar Association, who represented Mr. Henriksen without compensation after the committee had solicited the bar association for legal assistance for Mr. Henriksen 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 1950's pp. 51 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. 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>7</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>8</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 299.

<sup>8</sup> *Ibid.*, p. 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 Cvetcic, 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 Lynn, 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.

The following exhibits indicate the support given by the Communist press to the disruptive tactics of Communist lawyers in appearances before congressional committees:

**PEOPLE'S WORLD**  
 Vol. 15, No. 193  
 Thursday, October 2, 1952  
 Price Five Cents

**Un-Americans face rout in LA**

By CHARLES GLENN and PHILIP M. CONNELLY  
 LOS ANGELES Oct. 1 — After the veteran union attorney, Glenn, and the other, Connelly, directly addressed the committee.

**Pickets flay, lawyers defy Un-Americans**

By CHARLES GLENN and PHILIP M. CONNELLY  
 LOS ANGELES Sept. 30 — Los Angeles pickets today flayed the Un-American Activities Committee here today. Pickets made an hour-long speech in front of the committee building. The pickets, who were led by Glenn and Connelly, held signs that read "Un-American Activities Committee" and "Defy Un-American Activities Committee".

**Subpoenaed lawyers plan battle**

LOS ANGELES (AP) — Lawyers subpoenaed to appear before a congressional committee here today plan to battle the committee's charges that they are Un-American.

**9 Los Angeles Lawyers Defy Un-Americans at Hearing**

LOS ANGELES, Oct. 2.—The House Un-American, greeted by mass picketing on the western of this city Tuesday, were rebuffed with equal sharpness yesterday by nine lawyers. These were the first of 20 attorneys subpoenaed to answer various questions. The next full day of hearings in the committee's scheduled 10-day session was set for Oct. 3.

**Los Angeles Attorney Defies Un-Americans**

LOS ANGELES (AP) — Nine Los Angeles attorneys who were subpoenaed to appear before a congressional committee here today defied the committee's charges that they are Un-American.

**WE Defeats**

LOS ANGELES (AP) — The House Un-American Activities Committee here today was rebuffed by mass picketing on the western of this city Tuesday.

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. \* \* \* 17

<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.

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 \* \* \* 18

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>18</sup> Daily Worker, June 13, 1956, pp. 1 and 8.

### 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 Communist Party 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 26 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 functional 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 UFE 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 Sachler 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.

Sachler 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 Weinstein 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:

Page 6 THE WORKER, SUNDAY, JANUARY 21, 1951

## 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 coun-



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.



## 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

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 Herzog, 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 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. These 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 \* \* \*

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 Harle. 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. Harle 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

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 Sarto, 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 Trenhaft. 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> Mr. 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 faction 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 faction 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



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 antisubotage 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.