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DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

District of Columbia, ss:

April Term, A.D. 1940

The Grand Jurors of the United States of America, in and for the
District of Columbia aforesaid, upon their oath, do present:

INDUCTMENT

That on the twenty-~~eight~~ day of May, 1938, the House of Representatives
of the United States adopted a resolution known as H. Res. 282, of the
following tenor:

"H. Res. 282

In the House of Representatives, U.S.
May 26 1938.

Resolved, That the Speaker of the House of Representatives
be, and he is hereby, authorized to appoint a special committee
to be composed of seven members for the purpose of conducting
an investigation of (1) the extent, character, and object of
un-American propaganda activities in the United States, (2)
the diffusion within the United States of subversive and un-
American propaganda that is instigated from foreign countries
or of a domestic origin and attacks the principle of the form
of government as guaranteed by our Constitution, and (3) all
other questions in relation thereto that would aid Congress in
any necessary remedial legislation.

That said special committee, or any subcommittee thereof, is
hereby authorized to sit and act during the present Congress at
such time and places within the United States, whether or not
the House is sitting, has recessed, or has adjourned, to hold such
hearings, to require the attendance of such witnesses and the
production of such books, papers, and documents, by subpoena or

otherwise, and to take such testimony, as it deems necessary. Subpoenas shall be issued under the signature of the chairman and shall be served by any person designated by him. The chairman of the committee or any member thereof may administer oaths to witnesses. Every person who, having been summoned as a witness by authority of said committee, or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States (U.S.C., title 2, sec. 192).

Sec. 2. The committee shall file its report to the House on January 3, 1939, or may file same earlier in the event the House is not in session, with the Speaker of the House for printing as a public document.

Attest.

(Seal of House of
Representatives of
the United States.)

South Trimble

Clerk.

and on the third day of February, 1939, the House of Representatives of the United States adopted another resolution, known as H. Res. 26, of the following tenor:

H. Res. 26

In the House of Representatives, U.S.,

February 3, 1939.

Resolved, That the Special Committee to Investigate Un-American Propaganda and Activities is authorized to continue the investigation begun under authority of H. Res. 252 of the Seventy-fifth Congress, and for such purposes said committee shall have the same power and authority as that conferred upon it by said H. Res. 252 of the Seventy-fifth Congress and shall report to the House as soon as practicable, but not later than

January 3, 1940, the results of its investigations, together with its recommendations for necessary legislation.

Attest:

(Seal of House
of Representatives
of the United States.)

South Trimble
Clerk

and on the twenty-third day of January, 1940, the House of Representatives of the United States adopted another Resolution, known as H. Res. 321, of the following tenor:

"H. Res. 321

In the House of Representatives, U.S.

January 23, 1940.

Resolved, That the Special Committee to Investigate Un-American Activities is authorized to continue the investigation begun under authority of H. Res. 252 of the Seventy-fifth Congress, and continued under H. Res. 26 of the Seventy-sixth Congress, and for such purposes said committee shall have the same power and authority as that conferred upon it by said H. Res. 252 of the Seventy-fifth Congress and shall report to the House as soon as practicable, but not later than January 3, 1941, the results of its investigations, together with its recommendations for necessary legislation.

Attest:

(Seal of House of
Representatives of
the United States.)

South Trimble
Clerk

by virtue of which resolutions the Speaker of the House of Representatives of the United States was authorized to appoint a special committee of said House of Representatives for the purpose of conducting the investigation described in said resolution H. Res. 252, and said special committee,

when so appointed, was authorized to continue in existence and to pursue and prosecute the said investigation until at least the third day of January, 1941; and pursuant to said resolution H. Res. 252, the Speaker of the House of Representatives did, shortly after the adoption of said resolution H. Res. 252, appoint a special committee of the House of Representatives, which committee became known as the "Special Committee to Investigate un-American Activities," and will hereafter, in this indictment, be called "the committee"; and the said committee did, in fact, thereupon proceed to exercise that authority and make such investigation and is continuing so to do at the time of the returning of this indictment.

CHARGE PAR

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That while the said committee was functioning under the authority of the resolutions aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 252, one Albert Blumberg was by authority of the House of Representatives of the United States, summoned as a witness to appear before the said committee at a hearing thereof, to give testimony and to produce papers touching upon the said matters, questions and things; and the said Albert Blumberg did in fact appear before the said committee at a hearing thereof in the City of Washington, in the District of Columbia, on, to wit, the twenty-ninth day of March, 1940, and was then and there duly sworn as a witness before said committee to testify concerning the said matters, questions and things; and thereupon one J. B. Mathew, an employee of said committee, did, for and on behalf of said committee, a quorum of the said committee being then and there present, propound to the said Albert Blumberg, a certain question in the following words:

"Is Barbara Hatten, known as such by her party name, a member of the Communist Party in Baltimore?"

said J. B. Matthews thereby meaning and intending, as the said Albert Blumberg then and there well understood, to elicit from the said Albert Blumberg, facts which then were within his knowledge touching the question whether a person who used the name Barbara Hatten and was known by that name, was a member of the Communist Party in the City of Baltimore, in the State of Maryland; which question was pertinent to the matters, questions and things then under inquiry and investigation by the said committee, in that the said committee and members thereof had been and were informed and believed that the Communist Party and members thereof had been and were engaged in un-American propaganda activities in the United States and in the diffusion within the United States of subversive and un-American propaganda of a domestic origin and also propaganda that had been instigated from foreign countries, and in the diffusion within the United States of subversive and un-American propaganda that attacked the principle of the form of government as guaranteed by the Constitution of the United States; and the said Albert Blumberg then and there unlawfully did refuse to answer said question; against the form of the statute in such case made and provided, and against the peace and government of the said United States.

SECOND COUNT:

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That the House of Representatives of the United States did adopt certain resolutions under authority of which a certain committee was appointed, which committee conducted and still conducts a certain investigation; the allegations concerning all of which, contained in the first count of this indictment -- that is to say, all the allegations in said first count which begin immediately after the subtitle "INDUCEMENT" in said first count and end immediately before the subtitle "CHARGING PART", in said first count -- are incorporated by reference into this count as fully as though here repeated.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That while the said committee was functioning under authority of the resolutions aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 282, one Albert Blumberg was by authority of the House of Representatives of the United States, summoned as a witness to appear before the said committee at a hearing thereof, to give testimony and to produce papers touching upon the said matters, questions and things; and the said Albert Blumberg did in fact appear before the said committee at a hearing thereof in the City of Washington, in the District of Columbia, on, to wit, the twenty-ninth day of March, 1940, and was then and there duly sworn as a witness before said committee to testify concerning the said matters, questions and things; and thereupon one Martin Dies, Chairman of the said committee, did, for and on behalf of said committee, a quorum of the said committee being then and there present, propound to the said Albert Blumberg, a certain question in the following words:

"Who is the secretary of the Young Communist League in Baltimore?"

said Martin Dies thereby meaning and intending, as the said Albert Blumberg then and there well understood, to elicit from the said Albert Blumberg facts which were then within his knowledge touching the question of the identity of the person who was secretary of an organization known as the Young Communist League in the City of Baltimore, in the State of Maryland; which question was pertinent to the matters, questions and things *then* under inquiry and investigation by the said committee, in that the said committee and members thereof had been and were informed and believed that the Young Communist League in Baltimore was a part of and was associated with the Communist Party and that the Young Communist League in Baltimore and members thereof, and the Communist Party and members thereof had been and were engaged in un-American propaganda activities in the

United States and in the diffusion within the United States of subversive and un-American propaganda of a domestic origin and also propaganda that had been instigated from foreign countries, and in the diffusion within the United States of subversive and un-American propaganda that attacked the principle of the form of government as guaranteed by the Constitution of the United States; and the said Albert Einstein then and thereunto lawfully did refuse to answer said question; against the form of the statute in such case made and provided, said against the peace and government of the said United States.

THIRD COUNT:

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That the House of Representatives of the United States did adopt certain resolutions under authority of which a certain committee was appointed, which committee conducted and still conducts a certain investigation; the allegations concerning all of which, contained in the first count of this indictment -- that is to say, all the allegations in said first count which begin immediately after the subtitle "INDUCEMENT" in said first count and end immediately before the subtitle "CHARGES MADE", in said first count -- are incorporated by reference into this count as fully as though here repeated.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That while the said committee was functioning under authority of the resolutions aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 252, one Albert Einstein was by authority of the House of Representatives of the United States, summoned as a witness to appear before the said committee at a hearing thereof, to give testimony and to produce papers touching upon the said matters, questions and things; and the said Albert Einstein did in fact appear before

the said committee at a hearing thereof in the City of Washington, in the District of Columbia, on, to wit, the twenty-ninth day of March, 1940, and was then and there duly sworn as a witness before said committee to testify concerning the said matters, questions and things; and thereupon one Robert H. Lynch, counsel for the said committee, did, for and on behalf of the said committee, a quorum of said committee being then and there present, propound to the said Albert Blumberg, a certain question in the following words:

"Who are the other members of the committee, Mr. Blumberg?"

said Robert H. Lynch thereby meaning and intending, as the said Albert Blumberg then and there well understood, to elicit from the said Albert Blumberg facts which then were within his knowledge, touching the question as to the identity of members of a group known as the "State Executive Committee of the Communist Party" in the State of Maryland; which question was pertinent to the matters, questions and things then under inquiry and investigation by the said committee, in that the said committee and members thereof had been and were informed and believed that the said State Executive Committee of the Communist Party in the State of Maryland was a part of the Communist Party, and that the said State Executive Committee and members thereof and the said Communist Party and members thereof had been and were engaged in un-American propaganda activities in the United States, and in the diffusion within the United States of subversive and un-American propaganda of a domestic origin and also propaganda that had been instigated from foreign countries and in the diffusion within the United States of subversive and un-American propaganda that attacked the principle of the form of government as guaranteed by the Constitution of the United States; and the said Albert Blumberg then and there unlawfully did refuse to answer said question; against the form of the statute in such case made and provided, and against the laws and government of the said United States.

FOURTH COUNT:

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That the House of Representatives of the United States did adopt certain resolutions under authority of which a certain committee was appointed, which committee conducted and still conducts a certain investigation; the allegations concerning all of which, contained in the first count of this indictment -- that is to say, all the allegations in said first count which begin immediately after the subtitle "INDICTMENT" in said first count and end immediately before the subtitle "SPEAKING PART", in said first count -- are incorporated by reference into this count as fully as though here repeated.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That while the said committee was functioning under authority of the resolutions aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 252, one Albert Hinzberg was by authority of the House of Representatives of the United States, summoned as a witness to appear before the said committee at a hearing thereof, to give testimony and to produce papers touching upon the said matters, questions and things; and the said Albert Hinzberg did in fact appear before the said committee at a hearing thereof in the City of Washington, in the District of Columbia, on, to wit, the twenty-ninth day of March 1940, and was then and there duly sworn as a witness before said committee to testify concerning the said matters, questions and things; and the said Albert Hinzberg did then and there testify, among other things, that he, the said Albert Hinzberg, did not personally take care of the Daily Worker account, meaning and intending thereby that he, the said Albert Hinzberg, did not take care of an account between the Communist Party of Maryland and a newspaper organization known as the Daily Worker; and thereupon one

J. B. Matthews, an employee of the said committee, did, for and on behalf of the said committee, a quorum of the said committee being then and there present, propound to the said Albert Blumberg, a certain question in the following words:

"Who does?"

the said J.B. Matthews thereby meaning and intending, as the said Albert Blumberg then and there well understood, to elicit from the said Albert Blumberg, facts which were then within his knowledge touching the identity ^{person or} of the/persons who took care, for the Communist Party of Maryland, of its account with the newspaper organization known as the Daily Worker; which question was pertinent to the matters, questions and things then under inquiry and investigation by the said committee, in that the said committee and members thereof had been and were informed and believed that the Communist Party and members thereof and the Communist Party of Maryland and members thereof had been and were engaged in un-American propaganda activities in the United States, and in the diffusion within the United States of subversive and un-American propaganda of a domestic origin and also propaganda that had been instigated from foreign countries and in the diffusion within the United States of subversive and un-American propaganda that attacked the principle of the form of government as guaranteed by the Constitution of the United States; and the said Albert Blumberg then and there unlawfully did refuse to answer said question; against the form of the statute in such case made and provided, and against the peace and government of the said United States.

FIFTH COUNT:

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present;

That the House of Representatives of the United States did adopt certain resolutions under authority for which a certain committee was appointed, which committee conducted and still conducts a certain investigation: the allegations concerning all of which, contained in the first count of this indictment -- that is to say, all the allegations in said

first count which begin immediately after the subtitle "INDUCEMENT" in said first count and end immediately before the subtitle "CHARGING PARAGRAPH," in said first count -- are incorporated by reference into this count as fully as though here repeated.

And the Grand Jurors aforesaid, upon their oath aforesaid, do further present:

That while the said committee was functioning under authority of the resolution aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 232, one Albert Elmsberg was by authority of the House of Representatives of the United States, summoned as a witness to appear before the said committee at a hearing thereof, to give testimony and to produce papers touching upon the said matters, questions and things; and the said Albert Elmsberg did in fact appear before the said committee at a hearing thereof in the City of Washington, in the District of Columbia, on, to wit, the twenty-ninth day of March, 1940, and was then and there duly sworn as a witness before said committee to testify concerning the said matters, questions and things; and thereupon one Martin Dies, Chairman of the said committee, did, for and on behalf of the said committee, a quorum of said committee being then and there present, propound to the said Albert Elmsberg, a certain question in the following words:

"Who is the City Secretary for Washington?"

the said Martin Dies thereby meaning and intending, as the said Albert Elmsberg then and there well understood, to elicit from the said Albert Elmsberg, facts which were then within his knowledge touching the question of the identity of the person who then held an office in the Communist Party known as the office of City Secretary for the City of Washington, in the District of Columbia; which question was pertinent to the matters, questions and things then under inquiry and investigation by the said committee, in that the said Committee and members thereof had been and were informed and believed that the Communist Party and members thereof had been and were

engaged in the un-American propaganda activities in the United States, and in the diffusion within the United States of subversive and un-American propaganda of a domestic origin and also propaganda that had been instigated from foreign countries and in the diffusion within the United States of subversive and un-American propaganda that attacked the principle of the form of government as guaranteed by the Constitution of the United States; and the said Albert Blumberg then and there unlawfully did refuse to answer said question; against the laws of the statute in such case made and provided, and against the peace and government of the said United States.

Attorney of the United States in
and for the District of Columbia.