

Summary and quotes from testimony of James H. Dolsen before Dies
Committee on 3/25/40, a.m.

(Numbers in margin refer to page numbers of official transcript.)

Address: 1415 5th. Ave., Pittsburgh, Pa.

11-12 The Chairman. It is your duty to answer these questions, that
is your duty to answer these questions.*****

Mr. Dolsen. Well, I would like to ask this question. I was
served with a subpoena what Mr. Barker called a subpoena duces tecum,
as a result of which he stated that he had the authority to bring
me here before a meeting of this committee, and that he had
authority to take those matters which were records of the Communist
Party, is that correct?

The Chairman. That is correct.

Mr. Dolsen. Now, I would like to ~~know~~ call the attention of
this committee to the fact that Mr. Barker took matters which
I think with hardly a single exception had nothing to do with the
Communist Party and were not records of the Communist Party and
I can identify them, that they have nothing whatever to do with
the Communist Party.

The Chairman. That will be developed*****

(Note. It is not developed).

With reference to a letter written to Dolsen by Grace Hutchins,
of Labor Research Associates, on 1/15/40, as Lynch begins to read it
the letter Dolsen says first that he doesn't recollect it and then:

26 Mr. Dolsen. Just before he reads that letter, I would like to
object to it.

The Chairman. They are going to ask you some questions about it.

Mr. Dolsen. But he had the authority, under the subpoena, only
to bring certain records.

The Chairman. You will have to comply with the rules of the
committee. Proceed, Mr. Counsel.

(Above, on p. 12, Dolsen asked, "I would like to know what my
rights are before the committee, if I have any. He got no response,
but Dies made a speech for his benefit. This occurred before the
quote, above.)

34 Lynch starts to read Dolsen's International Workers' Order
policy and :

35 Mr. Dolsen. I insist on my rights before this committee,
this has nothing to do with the Communist Party., and the
committee has no authority, under the subpoena, to take it.

I refuse to testify any further on that ground. I am speaking
as my attorney and as my counsel now, and I point-blank refuse,
that has nothing to do with the Communist Party, and your subpoena

stated the records of the Communist Party, and I object to this, and I want to know if I am going to have any rights before this committee or not.

Mr. Lynch. Mr. Chairman, I suggest that if he refuse to answer, that the matter be referred to the District Attorney's office for appropriate procedure under the statute, where a witness is called before a committee and refuses to answer, the Chairman of the committee can refer the matter to the District Attorney's office for appropriate action in the courts.

(Note. Lynch is completely wrong. See Judge Lett's decision in the Frankfeld and O'Dea case.)

Mr. Dolsen. Mr. Chairman, I would like to know, and again I ask you, and I asked you previously, if I have any rights before this committee, and as I understand it a committee of this kind has got authority to question regarding the matters on a subpoena or matters brought in regard to the subpoena, and this was seized under a subpoena under which a subpoena was not allowed.

What was not specified, and the United States law specifies that a subpoena shall state in detail what is to be seized, and Mr. Barker had no right to take that out of my room, any more than any other personal possession.

The Chairman. Did you object to him taking it out?

36

Mr. Dolsen. I told him that I objected to everything that they did take out of that room, which included the taking out of this. Mr. Barker stated that he was going to take this before your committee that I would be with those documents, and that before a single document was opened up or anything taken out that he would have a list compiled of everything that was taken in my presence, and that was not done, and this has nothing to do with the Communist Party, or the records of the Communist Party, and I object to it.

Mr. Lynch. Mr. Dolsen, on this International Workers' Order---

Mr. Dolsen. I still object; that is not a record of the Communist Party, and I refuse to testify further. I am ~~not~~ acting as my own counsel.

The Chairman. You have stated your objection, and be silent. Do you want me to hold you in contempt, or not?

Mr. Dolsen. You are the chairman of the committee, and I have asked you, as I am representing myself.

The Chairman. The International Workers Order has been held to this committee to be controlled by the Communist Party, and it is a material matter to inquire into.

Dolsen. I would like to ask the chairman when a court ever held the Workers Order to be a Communist organization?

The Chairman. Proceed.

Mr. Dolsen. I refuse point-blank to answer questions regarding that. *****

37

Congressman Thomas. I think the witness should be held in contempt. *****

The Chairman. Let us take that under advisement, we have some material questions here. (My emphasis.)

Congressman Thomas. If he carries on the way he has been I am going to move formally. *****

Mr. Dolsen. I refuse to answer and I insist on the protection of my constitutional rights before this committee*****

38 Mr. Dolsen. I base my objection on the ground that this committee under subpoena which was served upon me seized certain documents which the subpoena did not entitle any representative of ~~the~~ this committee to seize, and that is one of these documents, and therefore, on that ground, on the ground of my constitutional rights, I refuse to answer any questions connected with that document.

Lynch says that the only constitutional "rights" the witness has is against self-incrimination.

Thomas again moves contempt and again Dies holds him off.

40 Then Lynch starts to read some of Dolsen's lecture notes as a teacher. He has these notes identified as Exhibit 2. Dolsen objects that the material is irrelevant and:

"If I were in court I could object to these on these grounds, and I do not see why ~~the~~ I have not got some rights here."

Starnes then says, "This committee tries no one," and "the only legal grounds that any witness can object to answering a question appearing before this committee is that it might tend to incriminate him *****the witness is not here to ask questions but to answer them."

41 The Chairman. The point is well taken. Proceed.

After Dolsen again objects Lynch reads in a paragraph from Dolsen's notes on the composition of the working class, etc., and then promptly forgets about asking him a single question.

45 Mr. Dolsen. I was arrested during the World War 3 or 4 times for speaking against the war.

47-48 Dolsen refuses to identify the WPA application from his files.

52-53 They put his WPA application in the record in full.

61-62 Refuses to further identify Party member named "Andy".

66 After Dolsen says there is no unemployment in USSR Lynch asks him why he doesn't go there. Dolsen says he is an American, and

besides , he doesn't have the money.

70 Dolsen estimates the Communist Party membership in Pittsburgh
to about 900, and says about 30 or 40 are on WPA.

72 Lynch asks if the 30 or 40 represent a percentage.

73 Barker even took empty, second-hand files folders from
Dolsen's room.

99-100 Dolsen.*****I have a right to qualify the answer.
Mr. Casey. You have no right but to answer it yes or no.
Mr. Dolsen. I will answer it yes or no.
Mr. Casey. Never mind the explanation.
Mr. Dolsen. Then I refuse to answer a point-blank question
like that, if I don't have the right to explain it, Mr. Casey.