

65801

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:

INDUCEMENT

That on the twenty-sixth day of May, 1938, the House of Representatives
of the United States adopted a resolution known as H. Res. 232, of the
following tenor:

"H. Res. 232

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 objects of
un-American propaganda activities in the United States, (2)
the diffusion within the United States of subversive and un-
American propaganda that is instigated from foreign countries
or of a domestic origin and attacks the principle of the form
of government as guaranteed by our Constitution, and (3) all
other questions in relation thereto that would aid Congress in
any necessary remedial legislation.

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

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REPORT OF THE SELECT COMMITTEE ON THE ACTS OF THE HOUSE OF REPRESENTATIVES

District of Columbia, D.C. April 10, 1910
The Grand Jurors of the United States of America, in and for the
District of Columbia, upon their oath, do present:

INDICTMENTS

That on the twenty-ninth day of May, 1908, the House of Representatives
of the United States adopted a resolution known as H. Res. 122, of the
following tenor:
H. Res. 122

In the House of Representatives, U.S.,
May 26, 1908.

Resolved, That the Speaker of the House of Representatives
do, 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 objects of
(2) the activities of the United States, and
the relations with the United States of any and all
American propaganda that is directed 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 do and they are authorized to
report to the present Congress at such time and place within the United States, whether in or
out of the House as a committee, or in a report, to hold such
hearings, to require the attendance of such witnesses and the
production of such books, papers, and documents, or copies or
thereof, and to take such testimony, as it deems necessary.

Subpenas 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:

South Trimble

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

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. 232 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. 232 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.

Subpoena 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 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. 8. The committee shall file its report to the House on January 3, 1950, or any date earlier in the event the House is not in session, with the Speaker of the House for printing as a public document.

Attest:

South Tinsley

Chairman

(Seal of House of Representatives of the United States)

and on the third day of February, 1950, the House of Representatives of the United States adopted another resolution, known as H. Res. 30, of the following tenor:

H. Res. 30

In the House of Representatives, U.S.C., February 3, 1950.

Resolved, That the Special Committee to Investigate Un-American Propaganda and Activities is authorized to continue the investigation begun under authority of H. Res. 30 of the seventy-fifth Congress, and for such purpose said committee shall have the same power and authority as that conferred upon it by said H. Res. 30 of the seventy-fifth Congress and shall report to the House as soon as practicable, but not later than January 3, 1950, the results of its investigations, together with its recommendations for necessary legislation.

Attest:

South Trimble

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

Clerk.

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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. 282 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. 282 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:

South Trimble

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

Clerk.

”;

by virtue of which resolutions the Speak^{er} 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. 282, 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. 282, the Speaker

Attest:

South Trimble

Chief

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

and on the twenty-third day of January, 1940, the House of Representatives of the United States adopted another resolution, known as H. Res. 381, to the following tenor:

"H. Res. 381

In the House of Representatives, U.S.

January 23, 1940.

Resolved, That the Special Committee to Investigate Un-American Activities be authorized to continue the investigation begun under authority of H. Res. 328 of the Seventy-fifth Congress, and continued under H. Res. 32 of the Seventy-eighth Congress, and for such purposes said committee shall have the same power and authority as that conferred upon it by said H. Res. 328 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:

South Trimble

Chief

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

by virtue of which resolution the Special Committee to Investigate Un-American Activities 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. 328, 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. 328, the Speaker

of the House of Representatives did, shortly after the adoption of said resolution H. Res. 282, 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.

CHARGING PART

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. 282, one James H. Dolsen was by authority of the House of Representatives of the United States, summoned as a witness to appear before the committee at a hearing thereof to give testimony and to produce papers touching upon the said matters, questions and things; and the said James H. Dolsen 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-fifth day of March, 1940, and was then and there duly sworn as a witness before the committee to testify concerning the said matters, questions, and things; and the said James H. Dolsen did then and there testify before the committee, among other things that he, the said James H. Dolsen, knew one Sonia Strauss; and thereupon one Robert B. Barker, an employee of the committee, did, for and on behalf of the committee, propound to the said James H. Dolsen, a certain question in the following words:

"Is she a communist?"

said Robert B. Barker thereby meaning and intending, as the said James H. Dolsen then and there well understood, to elicit from the said James H. Dolsen facts then within his knowledge touching the question of whether

of the House of Representatives did, shortly after the adoption of said resolution H. Res. 373, 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 as continuing as to 65 at the time of the returning of this indictment.

THAT MITCHELL

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. 373, and James M. Doisen was by authority of the House of Representatives of the United States summoned as a witness to appear before the committee at a hearing therefor to give testimony and to produce papers touching upon the said matters, questions and things; and the said James M. Doisen did, in fact, appear before the said committee at a hearing therefor in the City of Washington, in the District of Columbia, on, to wit, the twenty-fifth day of March, 1940, and was there summoned as a witness before the committee to testify concerning the said matters, questions, and things; and the said James M. Doisen did then and there testify before the committee, among other things that he, the said James M. Doisen, was one of the persons and thereupon one Robert D. Barker, an employee of the committee, did, for and on behalf of the committee, propose to the said James M. Doisen a certain question in the following words:

"Is she a communist?"

and the said Robert D. Barker thereupon testified, as to said question, that the said James M. Doisen then and there well understood, to elicit from the said James M. Doisen facts then within his knowledge touching the question of whether

the said Sonia Strauss was a member of the Communist Party; 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 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 James H. Dolsen 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 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. 332, one James H. Dolsen was, by authority of the House of Representatives of the United States, summoned

the said Senate was a member of the Communist Party; 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 authorized and believed that the Communist Party and members thereof were engaged in un-American propaganda activities in the United States and in the District of Columbia and also of activities and un-American propaganda of a domestic origin and also propaganda that had been maintained from foreign countries, and in the District of Columbia within the United States of activities and un-American propaganda that attacked the principles of the form of government as guaranteed by the Constitution of the United States; and the said James H. Tolson then and there unadvisedly 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 United States.

SECOND COUNT:

And the Grand Jurors charged, upon their oath administered, 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 words "INDUCEMENT" in said first count and end immediately before the words "CHARGING PART" in said first count -- are incorporated by reference into this count as fully as though here repeated.

THIRD COUNT:

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. 302, one James H. Tolson 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 James H. Dolsen 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-fifth day of March, 1940, and was then and there duly sworn as a witness before the said committee, to testify concerning the said matters, questions and things; and the said James H. Dolsen did then and there testify before the said committee, among other things, that he, the said James H. Dolsen, knew one Alec Steinberg; and thereupon one Robert B. Barker, an employee 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 James H. Dolsen, a certain question in the following words:

"Is he a communist?"

the said Robert B. Barker thereby meaning and intending, as the said James H. Dolsen then and there well understood, to elicit from the said James H. Dolsen facts which were then within his knowledge touching the question of whether the said Alec Steinberg was a member of the Communist Party; which said 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 James H. Dolsen 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.

as a witness, to appear before the said committee at a hearing thereof, to give testimony and to produce papers concerning the said matters, questions and things, and the said James H. Dolan did, in fact, appear before the said committee at a hearing thereof, in the City of Washington, in the District of Columbia, on or about the twenty-fifth day of March, 1940, and was then and there duly sworn as a witness before the said committee, to testify concerning the said matters, questions and things, and the said James H. Dolan did then and there testify before the said committee, among other things, that he, the said James H. Dolan, knew one Alice Steinberg and thereupon one Robert B. Barker, an employee of the said committee, did for and on behalf of the said committee, a group of said committee being then and there present, proposed to the said James H. Dolan, a certain question in the following words:

"Is he a Communist?"

the said Robert B. Barker thereupon meaning and intending, as the said James H. Dolan then and there well understood, to elicit from the said James H. Dolan facts which were then within his knowledge concerning the question of whether the said Alice Steinberg was a member of the Communist Party, which said 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 District 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 District 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 James H. Dolan then and there unwillingly 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.

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 "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. 262, one James H. Dolsen 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 James H. Dolsen 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-fifth day of March, 1940, and was then and there duly sworn as a witness before the said committee, to testify concerning the said matters, questions and things; and the said James H. Dolsen did then and there testify before the said committee, among other things, that he knew in some individual cases what persons were chairmen of the various units of the Communist Party in Allegheny County, State of Pennsylvania; and thereupon one Robert B. Barker, an employee 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 James H. Dolsen, a certain question in the following words:

"Will you state the ones you do know?"

And the Grand Jurors advised, upon their oath administered, to 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 "UNLAWFUL" in said first count, and end immediately before the subtitle "OBSCURE TRUTH" in said first count -- are incorporated, by reference, into this count, as fully as though here repeated.

And the Grand Jurors advised, upon their oath administered, to 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, one James H. Dolan 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 James H. Dolan did, in fact, appear before the said committee at a hearing thereof, in the city of Washington, in the District of Columbia, on the twenty-fifth day of March, 1940, and was then and there duly sworn as a witness before the said committee, to testify concerning the said matters, questions and things; and the said James H. Dolan did then and there testify before the said committee, among other things, that he knew in some individual cases what persons were members of the various units of the Communist Party in Allegheny County, State of Pennsylvania; and thereupon one Robert E. Barker, an employee of the said committee, did, for and on behalf of the said committee, a program of said committee being then and there present, proposed to the said James H.

Dolan, a certain question in the following words:

"Will you state the ones you do know?"

the said Robert B. Barker thereby meaning and intending, as the said James H. Dolsen then and there well understood, to elicit from the said James H. Dolsen, facts which were then within his knowledge touching the identity of certain persons who then held positions as chairmen of various units of the Communist Party in Allegheny County, State of Pennsylvania; which said 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 James H. Dolsen 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.

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 "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. 333, one James H. Dolsen 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 James H. Dolsen 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-fifth day of March, 1940, and was then and there duly sworn as a witness before the said committee, to testify concerning the said matters, questions and things; and the said James H. Dolsen did then and there testify before the said committee, among other things, that a certain member of the Communist Party whom he, the said James H. Dolsen, knew, had used the name Franklin D. Roosevelt for party purposes, and the true name of that person, which true name he, the said James H. Dolsen then and there knew, was not Franklin D. Roosevelt; 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 James H. Dolsen, a certain question in the following words:

"The Chair directs you to answer that question as to the name of the person who gave the name Franklin D. Roosevelt for party purposes."

the said Martin Dies thereby meaning, and intending, as the said James H. Dolsen then and there well understood, to elicit from the said James H. Dolsen facts which were then within his knowledge, touching the true name and identity of a certain member of the Communist Party who had falsely used the name Franklin D. Roosevelt; which said question was then and there 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 James H. Dolsen 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.

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