

#65799

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. 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 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 inquire 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.

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 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. 282 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. 282 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)

South Trimble

(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 began 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, 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.

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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. 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 of the House of Representatives did, shortly after the adoption of said resolution H. Res. 282, appoint a special committee to 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 authority of the resolution aforesaid and had under inquiry the matters, questions and things referred to in said resolution H. Res. 282, one Philip Frankfeld 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 Philip Frankfeld did present himself before the said committee at its hearing in the District of Columbia, on, to wit, the fourth day of April, 1940, a quorum of said committee being then and there present, and was then and there duly sworn as a witness to give testimony concerning the said matters, questions and things; and thereupon one J. B. Matthews, 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 Philip Frankfeld, a certain question in the following words:

"Will you please state your full name?"

which question the said Philip Frankfeld then and there heard and well understood, and which question was then and there pertinent to the matters questions and things then under inquiry and investigation by said committee, and said Philip Frankfeld did then and there refuse to answer the said question; against the form of the statute in such case made and provided, and against the peace and government of the United States.

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