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HEARINGS REGARDING STEVE NELSON  
(Including Foreword)

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HEARINGS  
BEFORE THE  
COMMITTEE ON UN-AMERICAN ACTIVITIES  
HOUSE OF REPRESENTATIVES  
EIGHTY-FIRST CONGRESS  
FIRST SESSION

—————  
JUNE 8, 1949  
—————

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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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## FOREWORD

JUNE 8, 1949.

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**Mr. MOULDER.** Mr. Nelson, in the event of war between the United States and Russia, to which country would you owe your allegiance and loyalty in such a conflict?

**Mr. NELSON.** I refuse to answer that question.<sup>1</sup>

---

Steve Nelson, with aliases of Louis Evans, Joseph Fleischinger, and "Hugo," was born Steve Mesarosh on January 1, 1903, at Chaglich, Yugoslavia. Steve Nelson entered the United States on June 12, 1920, accompanied by his mother and two sisters. He gained admission to the United States as a citizen of this country under the name of Joseph Fleischinger, that being the name of his mother's brother-in-law. Nelson's mother and two sisters also gained admission at that time by falsely representing themselves as the wife and children of Joseph Fleischinger. The name of Nelson's mother and the names of her three children were all included on the United States passport issued to said Joseph Fleischinger.<sup>2</sup>

On June 22, 1922, a warrant of arrest in deportation proceedings was issued charging that the subject, his mother, and two sisters had entered the United States without proper passports; that they had entered by false and misleading statements; and that they were persons likely to become public charges at the time of their entry.

A hearing was held under the authority of the warrant of arrest in Philadelphia on October 17, 1922, as a result of which the examining immigration inspector recommended that the aliens be afforded the opportunity to legalize their residence in the United States. It should be noted that during the hearing the United States Government recommended that Steve Nelson, his two sisters, and his mother be afforded a haven in the United States, even though they illegally entered the country. During the hearing, it was brought out that Steve Nelson, his two sisters, and his mother had taken advantage of opportunities in this country; that Steve Nelson, as well as his sisters, were attending school, and that the entire family had gained employment. In the recommendation of the immigration inspector it was stated that after examination of the aliens it was decided that the subject individuals were taking advantage of the opportunities offered by this country and undoubtedly would become substantial citizens. On October 30, 1922, the Board of Review entered an order

<sup>1</sup> See p. 153. Mr. Nelson's refusal to answer the question is based on his answers to previous questions in the testimony wherein he refused to answer questions on the grounds that it might incriminate or degrade him.

<sup>2</sup> See p. 136, exhibit 1.

that the warrant of arrest be canceled on payment of head tax if the Department of State would waive passport requirements. On November 14, 1922, the Secretary of State waived the passport and visa requirements in behalf of the subject, his mother, Maria, and his two sisters. Thereafter, on November 27, 1922, the aliens were examined by surgeons of the United States Public Health Service and passed; head tax was collected; and the entry of the subject, his mother, and his two sisters was legalized.

Steve Nelson was admitted to citizenship in the United States District Court, Eastern District of Michigan, Detroit, Mich., on November 26, 1928, and was issued certificate of naturalization, No. 2834850.

In evaluating Steve Nelson's entry in the United States and the Government's position in legalizing said entry, the United States afforded a haven for a refugee whose political ideologies in subsequent years dedicated themselves to the violent overthrow of the United States Government by force. It is not definitely known when Steve Nelson joined the Communist Party. However, in an article in the *Daily Worker*, November 10, 1937, under the byline of Joseph North, dispatched from Valencia, Spain, North stated that while interviewing participants fighting for the International Brigade, he obtained the following information from Steve Nelson:

The working people of the Soviet Union were passing through a bitter period and Steve joined the Friends of Soviet Russia. On the first anniversary of Lenin's death [1925], he joined the Communist Party at the memorial in Philadelphia.<sup>3</sup>

This alleged statement by Steve Nelson is noteworthy because, as previously stated, he was granted citizenship on November 26, 1928. If the truth of the article written by Joseph North which appeared in the *Daily Worker* could be established, it is apparent that Steve Nelson was a member of the Communist Party prior to gaining his citizenship and therefore perjured himself when he obtained his naturalization papers.

In 1931, Steve Nelson's importance to the Communist movement was recognized in Moscow and he was called there to attend the Lenin Institute. On August 1, 1931, he filed a passport application with the Department of State in which he requested permission to visit Germany to study building construction. He falsified his passport by stating that he was born in Rankin, Pa., on December 25, 1903. This criminal offense was never prosecuted due to the fact that it was not discovered until the statute of limitations had run.<sup>4</sup> There is further evidence with respect to Mr. Nelson's attendance at the school in Moscow. Mr. William Nowell testified before this committee on November 30, 1939, and he stated that while he was a member of the Communist Party he attended the Lenin Institute in Moscow and that Steve Nelson was in attendance at this school under the name of Louis Evans. Mr. Nowell stated in his testimony that Nelson's prominence in the Communist Party was conspicuous because of his frequent contact with the OGPU (Russian secret police) in Moscow. Additional evidence of Nelson's visit to Russia has been developed by this committee which indicates that in July 1933 Nelson filed with the American consul in Austria a 2-year renewal of his passport, stating that he had

<sup>3</sup> See p. 137, exhibit 2.

<sup>4</sup> See p. 142, exhibit 9.

resided in Russia from September 1931 to May 1933 and had resided in Germany, Switzerland, and Austria from May 25, 1933. Nelson, when questioned by this committee regarding his attendance at the Lenin School, refused to answer on the ground of self-incrimination.

Official intelligence reports in possession of this committee reflect that Nelson was in China for 3 months in 1933, working for the Comintern in Shanghai, and that a coworker of his was Arthur Ewert, a well-known Comintern agent, who was subsequently sentenced to imprisonment in Brazil for his part in the Communist revolution in 1935. The exact date of the subject's return to the United States from China and the European countries mentioned above is unknown, but in 1934 he contributed an article to the Party Organizer, official organ of the central committee of the Communist Party, U.S.A.

During the Spanish Civil War, Nelson received considerable publicity in the Communist press because of the fact he had risen to the rank of lieutenant colonel in the International Brigade of the Loyalist Army. Nelson returned to the United States in the latter part of 1937 from Spain and became active in the affairs of the Veterans of the Abraham Lincoln Brigade and the American League for Peace and Democracy, both notorious Communist organizations.

Since 1938 Steve Nelson has been a national figure in the Communist Party, as well as a leading functionary in the Moscow-controlled Communist underground.

With reference to Nelson's participation in the Abraham Lincoln Brigade, Nelson applied for a passport on February 13, 1937, and the passport was issued on February 23. This passport was issued to Nelson under the name of Joseph Fleischinger.<sup>5</sup> It is noted on the application form that the name Fleischinger was misspelled in two places by the applicant. This criminal violation likewise escaped the attention of the authorities until the statute of limitations had expired. When questions were propounded to Nelson regarding this false passport, he again followed the current Communist Party line by declining to answer questions and placed himself under the sanctuary of the fifth amendment to the Constitution.

Steve Nelson was so important to the Communist movement and had gained such favor with his superiors that in 1940 he was assigned as organizer for the party in the bay area at the port of San Francisco, Calif. He was also given an underground assignment to gather information regarding the development of the atomic bomb. This assignment was facilitated by Steve Nelson's having met a woman in Spain who had gone to Spain in 1937 to meet her husband, also a volunteer in the International Brigade. Upon arrival in Spain, this woman was informed that her husband had been killed, and she was befriended by Steve Nelson. This woman, upon her return to the United States, moved to Berkeley, Calif., where she became acquainted with and married one of the leading physicists engaged in the development of the atomic bomb.

The Communist Party and the Soviet Government were aware of Steve Nelson's acquaintance with the physicist and attempted to use this as a medium of infiltration of the radiation laboratory at the University of California, which was working on the development of the atomic bomb. An investigation of the aforementioned scientist disclosed that neither he nor his wife engaged in any subversive activi-

<sup>5</sup> See p. 146, exhibit 10.

ties and that their loyalty has never been questioned by the Government. Nelson later reported that neither the physicist nor his wife were sympathetic to communism.

Under the guidance of Steve Nelson, infiltration of the radiation laboratory actually began in other ways. A cell was developed within the laboratory, consisting of five or six young physicists. The existence of the cell has been established in sworn testimony before this committee. According to a sworn statement by a witness, Giovanni Rossi Lomanitz was the principal Communist Party organizer. The records of this committee also reflect that David Bohm, presently a professor of physics at Princeton University, was also a member of this cell. Upon two occasions, both Giovanni Rossi Lomanitz and David Bohm declined to answer questions regarding their respective memberships in this cell upon the grounds that to do so might tend to incriminate them.

Other alleged members of this cell at the Radiation Laboratory are under investigation by this committee and such evidence of membership will be forthcoming in future hearings of this committee.

In 1942 Steve Nelson gained another promotion within the Communist Party when he was assigned as county organizer at Alameda, Calif. This assignment placed the atomic-bomb project under the direct jurisdiction of Steve Nelson for the Communist Party. According to the official files of the Government, while Nelson was under surveillance, he visited the home of Vassili Zubilin, a former secretary of the Soviet Embassy in Washington, D. C., who was then in Oakland, Calif. Zubilin's cover name in the Communist Party was "Cooper." During this meeting, Nelson complained to Zubilin about the inefficiency of two individuals working for the apparatus. These persons have been identified by the committee and their names are being presently withheld from the public. Because of Mr. Nelson's complaint to Zubilin, these individuals were transferred from Alameda County—one to Detroit, Mich., and the other to Los Angeles, Calif.

The amount or value of the information gained by Steve Nelson regarding the development of the atomic bomb is not known. However, due to the alertness of the officials of the Manhattan Engineering District and the Federal Bureau of Investigation, Steve Nelson's attempt to gather information was stopped. Physicists at the radiation laboratory who belonged to the Communist Party were removed from their positions under one pretext or another.

Steve Nelson's participation in the Communist conspiracy regarding the atomic bomb has been previously exposed in a report issued by this committee on September 28, 1948, entitled "Report on Soviet Espionage Activities in Connection With the Atom Bomb." Since this report is predicated on the activities of Steve Nelson, excerpts from our report of September 28, 1948, are included herewith:

\* \* \* Late one night in March of 1943, scientist X, who was a scientist at the University of California, went to the home of Steve Nelson, having earlier in the evening made arrangements with Steve Nelson's wife to meet Nelson there. Nelson was not then at home but came in at about 1:30 in the morning. After Nelson had greeted scientist X, the latter stated that he had some information that he thought Nelson could use. He read to Nelson a complicated formula, which Nelson copied down. Scientist X gave as his reason for asking Nelson to copy it down that the formula was in the handwriting of some other person, and that he, scientist X, had to return the formula to the University of California

Radiation Laboratories in the morning. The radiation laboratories were engaged in vital work in the development of the atomic bomb.

Several days later Nelson contacted the Soviet consulate in San Francisco and arranged to meet Peter Ivanov, the Soviet vice consul, at some place where they could not be observed. Ivanov suggested that he and Nelson meet at the "usual place."

As a result of the surveillance that was being kept on Nelson, the meeting between Nelson and Ivanov was found to take place in the middle of an open park on the St. Francis Hospital grounds in San Francisco. At this meeting Nelson transferred something to Ivanov. If the matter transferred included the formula that scientist X had given Nelson several days previous—and the inference is irresistible that it did—it was a formula of importance in the development of the atom bomb.

A few days after this meeting between Nelson and Ivanov on the St. Francis Hospital grounds, the third secretary of the Russian Embassy in Washington, a man by the name of Zubilin, came to the Soviet consulate in San Francisco. Shortly after Zubilin's arrival, he made an appointment to meet Steve Nelson in Steve Nelson's home. At this meeting Zubilin paid Steve Nelson 10 bills of unknown denominations.

The individual alleged by former intelligence officers and Government intelligence reports to be scientist X appeared before the committee in secret session and denied that he had ever known Steve Nelson or Steve Nelson's wife, and further denied that he had ever had any meeting with Nelson or anyone else such as described above, or that he had ever given to any unauthorized person any formula or other classified information. This in direct conflict with the testimony of two Federal agents who were assigned to the investigation.

When Nelson testified before the committee in September 1948, he refused to answer all pertinent questions on the ground that his answers would tend to incriminate him. It is significant, in this connection, that when asked if he had ever been in the Soviet consulate in New York City, he answered "No"; but when he was asked if he had ever ridden in an automobile of the Soviet consulate in New York City in the period 1938 to 1948, he refused to answer on the ground that his answer might incriminate him. He also refused to answer on the same ground when asked if he was acquainted with Vassili Zubilin of the Soviet Embassy in the United States \* \* \*



## HEARINGS REGARDING STEVE NELSON

WEDNESDAY, JUNE 8, 1949

UNITED STATES HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON  
UN-AMERICAN ACTIVITIES,  
*Washington, D. C.*

A subcommittee of the Committee on Un-American Activities met pursuant to call at 11:25 a. m. in room 226, Old House Office Building, Hon. John McSweeney presiding.

Committee members present: Representatives John McSweeney (presiding), Burr P. Harrison, Richard M. Nixon, and Francis Case.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; William A. Wheeler, investigator; and A. S. Poore, editor.

Mr. McSWEENEY. The chairman has designated me to preside over the subcommittee's hearing this morning.

Let the record show that this is a subcommittee appointed by the chairman, constituted of Mr. Harrison, Mr. Nixon, Mr. Case, and John McSweeney, who has been designated to preside.

Mr. TAVENNER, will you proceed.

Mr. TAVENNER. I would like to call as the first witness Mr. Steve Nelson.

Mr. McSWEENEY. Will you rise and raise your right hand. You solemnly swear to tell the committee the whole truth and nothing but the truth, so help you God?

Mr. NELSON. I do.

Mr. BLOCH. May I note my appearance for the record? I am representing Mr. Nelson as his counsel.

Mr. TAVENNER. Will you state your name and address?

Mr. BLOCH. Emanuel H. Bloch, 270 Broadway, New York City.

### SWORN TESTIMONY OF STEVE NELSON, ACCOMPANIED BY HIS COUNSEL, EMANUEL H. BLOCH

Mr. TAVENNER. Mr. Nelson, will you state your full name?

Mr. NELSON. Steve Nelson.

Mr. TAVENNER. When and where were you born?

Mr. NELSON. I was born in Yugoslavia.

Mr. TAVENNER. What date?

Mr. NELSON. December 26, 1903.

Mr. TAVENNER. What is your present address?

Mr. NELSON. Harmarville, Pa.

Mr. TAVENNER. What was your father's name?

Mr. NELSON. Michael.

Mr. TAVENNER. Where was he born?

Mr. NELSON. The same place.

Mr. TAVENER. Is he now living?

Mr. NELSON. No.

Mr. TAVENNER. Did he come to the United States?

Mr. NELSON. No.

Mr. TAVENNER. What is your mother's name?

Mr. NELSON. Mary.

Mr. TAVENNER. Is she living?

Mr. NELSON. Yes.

Mr. TAVENNER. Is Steve Nelson your only name, or did you formerly go by a different name?

Mr. NELSON. My name is known to the committee. It is Mesarosh, M-e-s-a-r-o-s-h. Steve is the first name.

Mr. TAVENNER. Do you have brothers and sisters?

Mr. NELSON. I do have two sisters.

Mr. TAVENNER. What are their names?

(Witness confers with his counsel.)

Mr. NELSON. Mr. Chairman, I am going to avail myself of my constitutional right of not answering that on the grounds of the fifth amendment, which, as you know, provides that I need not incriminate myself here.

Mr. McSWEENEY. And it is your interpretation that giving your sisters' names comes within the protection afforded you under that amendment?

Mr. NELSON. Yes.

Mr. TAVENNER. Is Josef Fleischinger your uncle?

Mr. NELSON. I will take the same stand on that question, Mr. Chairman. I refuse to answer that on the ground it may tend to incriminate me.

Mr. TAVENNER. Let me ask you this question: In what manner could the acknowledgement that Josef Fleischinger is your uncle tend to incriminate you?

Mr. BLOCH. I don't know what my rights are here. I know they are severely limited; they have been in the past. I don't know if the committee would like to hear an objection in any legal form. If I am allowed to record the objections, I would like to state for the record that the question itself calls for the divulgence of information that might be incriminatory in character. Therefore, the question is improper and I object to it.

Mr. TAVENNER. In reply to counsel, I desire to state that if there is any indication from evidence that is presented to this committee that such should be the case, he would be within his rights in claiming immunity.

Mr. BLOCH. Furnishing you evidence, or a scintilla of evidence, to indicate the basis of the witness' refusal to answer on the ground it might tend to incriminate him would, in and of itself, destroy the privilege, because it might furnish a link, or a clue, or evidence itself, that might reveal information of an incriminatory character.

Mr. TAVENNER. In the absence of or refusal of the witness to give any evidence to this committee wherein the divulgence of that information might be incriminating, I think he should be compelled to answer the question.

Mr. BLOCH. I wonder if the committee would give me a moment to discuss with the witness his constitutional rights and clarify in my own mind something?

Mr. McSWEENEY. Yes.

(Witness confers with his counsel.)

Mr. BLOCH. If the committee pleases, the witness would like to clarify his refusal by a sketchy summary statement which will suggest, at any rate, to the committee his basis for refusing to answer without destroying the privilege.

Mr. McSWEENEY. Mr. Nelson, proceed.

Mr. NELSON. In the first place, I understand the fifth amendment to mean that you have no right to press me to interpret or to give you my reasons for not answering the question. Secondly, this committee knows that I am a Communist, and if I should admit that I know certain people, those people would be subject to persecution, and I will not cooperate with the committee on that score.

Mr. NIXON. Mr. Chairman——

Mr. NELSON. And of course because it would incriminate me.

Mr. NIXON. Mr. Chairman, the reasons the witness has given do not bear on the matter of self-incrimination. The fact that it is going to embarrass somebody else who happens to be a relative certainly does not bear on the question of self-incrimination. I think the understanding should be reached at the present time that if the witness is using self-incrimination simply to show his contempt for the committee, that the committee should take proper action.

Mr. BLOCH. The witness did not confine his refusal to the fact it may involve other people in persecutions, as he termed it, but he also assigned the reason that he himself would be incriminated. I think the record bears that out very clearly. He might have many reasons for refusing to answer, but I submit that if one of those reasons involves his right against self-incrimination, his refusal should be upheld.

Mr. HARRISON. Might I ask what counsel suggests?

Mr. TAVENNER. I would like the witness to comply with what I conceive the law to be in such matters, that if he has any reasons or can give this committee any information that could lead this committee to believe that his reply would be of an incriminatory nature, then he should not be required to answer the question; otherwise, he should be required to answer. And I want him to have every opportunity to present to this committee some information that would permit this committee to come to some conclusion, because I deem it to be the right and privilege of this committee to determine whether or not the question should be answered.

Mr. CASE. Mr. Chairman——

Mr. BLOCH. If the committee pleases——

Mr. McSWEENEY. Mr. Case.

Mr. CASE. Did the witness complete his statement? He started to say for the further reason that it would tend to incriminate himself. Did that complete your statement?

Mr. NELSON. Yes.

Mr. BLOCH. If I might be heard for 2 seconds on this question, and I think it is a question of law more than anything else, the courts have held repeatedly—and this is within the last few years, and if you care for the citations I can give them to you—that when an avowed Communist is questioned about his associations, affiliations, and activities in connection with his Communist beliefs, he has the absolute right to rely upon the fifth amendment, because the Government—incidentally, particularly this committee—has made claims

about the Communist movement, charging them with engaging in activities of a criminal character.

I don't have to enumerate for you the various statutes under which it has claimed that certain members of the Communist Party have committed crimes against the United States. It is apparent we have a crime by conspiracy, and when you ask a Communist if he knows somebody or has seen somebody or engaged in any activity with somebody, it might tend to put him in the legal noose, I might say, for prosecution by the United States.

The admission of a relationship may be very damaging. The witness, within the recesses of his mind, knows what has happened in the past, and I don't believe anybody, under our Constitution, has a right to inquire into those thoughts of his which refresh his recollection as to certain incidents of the past, as to whether he has or has not been engaged in conduct that might be conceived as improper.

I might say this: I don't want to waive any rights as to the bona fideness of the question or as to the materiality. I don't know what this committee is after from this witness.

Mr. McSWEENEY. You have a right to consult with your client any time during the questioning, and advise your client.

Mr. BLOCH. Thank you.

Mr. HARRISON. What is counsel's recommendation as to proceeding at this time?

Mr. TAVENNER. I would suggest at this time that if there is no evidence satisfactory to the committee which would indicate anything of an incriminatory character in the answer, that the witness should be required to answer the question.

Mr. HARRISON. I move the witness be directed to answer the question.

Mr. NIXON. I second the motion.

Mr. McSWEENEY. All those in favor of the motion as made and seconded will signify by saying "Aye"; those opposed, "No."

(The motion was unanimously carried.)

Mr. McSWEENEY. It is the consensus of the committee that you be directed to answer the question.

Mr. TAVENNER. Will the reporter read the question?

(The pending question was read by the reporter, as follows:)

Is Josef Fleischinger your uncle?

(Witness confers with his counsel.)

Mr. NELSON. Josef Fleischinger was my uncle. He is dead.

Mr. TAVENNER. Did he come to the United States?

Mr. NELSON. Yes.

Mr. TAVENNER. When did he die?

Mr. NELSON. In the last year.

Mr. TAVENNER. Mr. Nelson, did he have a son, Josef Fleischinger, Jr., a cousin of yours?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that on the grounds that it will tend to incriminate me.

Mr. TAVENNER. Let me repeat the question. I am not certain that it was understood. Is Josef Fleischinger, Jr., a cousin of yours?

Mr. NELSON. I gave you that answer and I stand on those grounds.

Mr. HARRISON. You mean you have answered the question?

Mr. NELSON. Yes. I said I refused to answer on the grounds it may tend to incriminate me.

Mr. HARRISON. Is that your full statement?

Mr. NELSON. That is my full statement.

Mr. HARRISON. Mr. Chairman, I move that the witness be instructed to answer the question.

Mr. McSWEENEY. You acknowledged your relation to one person. We are asking your relation to another.

(Witness confers with his counsel.)

Mr. NELSON. I understand the implications of what you are driving at, and I take the position that this committee is trying to compel me to testify against myself, and I refuse to do so on the grounds that the Constitution protects me.

Mr. CASE. Mr. Chairman, is he contending that he would be testifying against himself, or tending to incriminate himself, if he answers a question of fact as to whether a certain person is his cousin?

Mr. BLOCH. May I answer that?

Mr. McSWEENEY. You can't testify.

Mr. BLOCH. I don't want to testify. I want to argue it as a proposition of law, that is all.

Mr. McSWEENEY. You can consult with your client.

Mr. CASE. I would like to ask this question of Mr. Nelson: Do you know a person by the name of Josef Fleischinger, Jr.?

Mr. NELSON. I have answered that question, sir, the way I think it ought to be answered.

Mr. CASE. You haven't answered that question.

Mr. NELSON. That is the same question.

Mr. HARRISON. I understand you refuse to answer the question?

Mr. NELSON. I refuse to answer it on the grounds it may tend to incriminate me.

Mr. HARRISON. And that is the full answer you desire to make?

Mr. NELSON. Yes.

Mr. BLOCH. I assume that goes to both questions. The questions are interrelated.

Mr. HARRISON. Mr. Chairman, I move the witness be directed to answer.

Mr. NIXON. I second the motion.

Mr. McSWEENEY. All those in favor of the motion as made and seconded will signify by saying "Aye"; those opposed, "No."

(The motion was unanimously carried.)

Mr. McSWEENEY. So ordered. The committee directs you to answer the question.

(Witness confers with his counsel.)

Mr. NELSON. Mr. Chairman, I refuse to answer that question upon the further grounds that because of the fact I am a well-known Communist it may tend to cause harm to this person that you are bringing forward here, and I refuse to do that, as well as the fact it is going to do harm to me. This committee is trying to do something it has no right to do.

Mr. HARRISON. You have no right to assume that.

Mr. BLOCH. Will you pardon me for 1 second while I confer with the witness?

Mr. McSWEENEY. Yes.

(Conference between the witness and his counsel.)

Mr. NIXON. While counsel is conferring with the witness, I want to make a statement for the record again that the witness' contention that the testimony he would give might be harmful to his relatives or to him, has no standing before this committee, as the witness and his counsel both well know.

Mr. NELSON. Mr. Chairman, I have made two points already of the reasons I am refusing to answer. The additional reason is that if I would answer your question whether I had relations with this person it would definitely tend to incriminate me, and therefore I refuse to do so.

Mr. McSWEENEY. Counsel, proceed with your questioning.

Mr. TAVENNER. When did you arrive in the United States, Mr. Nelson?

Mr. NELSON. 1920.

Mr. TAVENNER. On board the steamship *Argentine*?

Mr. NELSON. I don't recall the name offhand.

Mr. TAVENNER. From what port did you sail to the United States? (Witness confers with his counsel.)

Mr. NELSON. It was from the Port of Trieste.

Mr. TAVENNER. I hand you a photostatic copy of a passport. Will you identify that as the passport under which you traveled?

(Witness confers with his counsel.)

Mr. NELSON. I would say it looks like the one.

Mr. TAVENNER. Will you examine the fourth page, the photograph that appears there, and identify the persons appearing on that photograph?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. Is that a photograph of you, the only man in the picture?

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. The picture of the two girls, are they the pictures of your two sisters?

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. And the picture of the older person is of your mother?

Mr. NELSON. I refuse to answer that question.

Mr. CASE. Did the witness refuse to identify the photograph of himself?

Mr. BLOCH. Let it be noted for the record that the photograph which allegedly or which seems to represent a male is not an isolated photograph, but is a group photograph.

Mr. CASE. The photograph constitutes an essential part of the passport. If the witness has identified this as a photostat of the passport under which he traveled, and if the alleged photograph appearing thereon is not of himself, that might tend to incriminate him as traveling under an improper passport.

Mr. NIXON. Is that your purpose?

Mr. NELSON. That is not my purpose.

Mr. NIXON. Is it your photograph?

Mr. NELSON. The facts about my travel to this country are known and are in the record. When I applied for my citizenship I gave the facts as they are and I have nothing to hide.

Mr. CASE. Mr. Chairman, I think as to the question of whether or not this is his own photograph, he should want to answer that question. The only way he can incriminate himself by denying it is his photograph—

Mr. HARRISON. Would invalidate the passport.

Mr. BLOCH. There is an additional reason he may refuse to answer. If this photograph of the witness—assuming it is his photograph; I don't know if it is—were isolated, I could understand the burden of your argument; but here is a photograph which is a group photograph. By admitting that photograph there is an implied admission that he is connected with the other persons in that group photograph.

Mr. CASE. I might say that traveling with a passport that carries a purported picture which is not in fact the picture of the holder of the passport would be a prima facie cause of incrimination, whereas identifying a photograph is not a prima facie case. I think he should answer the question of whether it is a photograph of himself.

Mr. McSWEENEY. Does the witness care to answer that?

(Witness confers with his counsel.)

Mr. NELSON. Yes; that is my picture.

Mr. NIXON. Mr. Chairman, I think the Chair should instruct this witness that he is to answer the questions, and to consider his answers before simply giving the refusals to answer without any basis. The time of the committee is being wasted by the contemptuous attitude of the witness.

Mr. BLOCH. I would like to respond to that. I don't want to leave that unchallenged. The truth is that his answers may tend to incriminate him, and I am the one who advised him I thought his reasoning was far-fetched, and that is the reason he changed his answer. He is a layman, after all. He is not a lawyer. I am trying to assist this witness as well as assisting the United States Government, and I don't think we should be frustrated.

Mr. McSWEENEY. Will counsel proceed, and we expect the witness to respond promptly.

Mr. TAVENNER. As a matter of fact, you entered the United States illegally under this passport, did you not?

Mr. NELSON. I refuse to answer that.

Mr. TAVENNER. On what ground?

Mr. NELSON. Because it may tend to incriminate me.

Mr. TAVENNER. The offense, if one existed, is barred by the statute of limitations, this having occurred in 1920; and the fifth amendment does not, in my judgment, afford immunity where you cannot be prosecuted because of the alleged offense being barred by the statute of limitations; so I again ask you to answer the question.

(Witness confers with his counsel.)

Mr. NELSON. What is the question again?

Mr. TAVENNER. Read the question.

The question referred to was read, as follows:

As a matter of fact, you entered the United States illegally under this passport, did you not?

Mr. NELSON. Mr. Chairman, I don't admit that I came into the United States illegally.

Mr. McSWEENEY. You admit this to be your passport?

Mr. NELSON. That is right.

MR. TAVENNER. There appears on the last page of this passport the following certification:

AMERICAN LEGATION,  
Belgrade, April 15, 1920.

I hereby certify that Mr. Josef Fleischinger, the holder of this passport, is accompanied by his wife Mary and minor children, Josef, Elsie, and Mary.

Did you not enter the United States posing as Josef Fleischinger under this passport?

(Witness confers with his counsel.)

MR. NELSON. I didn't fill that thing out. At the time I was 16 years old or so, and I can't say. Therefore I refuse to answer the question. It might tend to incriminate me if I answered I came in illegally, or perhaps if you put the interpretation on it that I prepared the thing.

MR. TAVENNER. You were arrested for deportation, were you not, because of illegal entry?

MR. NELSON. That is right.

MR. TAVENNER. When was that?

MR. NELSON. I can't recall. I think it was in 1921.

MR. TAVENNER. Was that about June 22, 1922, you think?

MR. NELSON. I can't be sure about that date.

MR. TAVENNER. Was a hearing afforded you on October 17, 1922, in Philadelphia, as a result of which you were afforded an opportunity to legalize your residence in this country?

MR. NELSON. That is right, but I am not sure about the date.

MR. TAVENNER. And is it not also true that on the 14th of November 1922, the Secretary of State waived the passport requirements on behalf of yourself, your mother Mary, and your two sisters?

MR. NELSON. I don't know what the technical or legal procedure was, but my understanding was that the case was dropped, and that ended the matter so far as I know.

MR. TAVENNER. I desire to offer this passport in evidence and have it marked "Nelson Exhibit 1."

MR. McSWEENEY. Without objection it is admitted.<sup>6</sup>

MR. TAVENNER. Are you a citizen of the United States?

MR. NELSON. Yes.

MR. TAVENNER. When and where were you naturalized?

MR. NELSON. Detroit, Mich., 1928, I believe it was, or 1927, at the end of the year.

MR. TAVENNER. Was Mr. Antonio Gerlach one of your witnesses in your naturalization proceedings?

(Witness confers with his counsel.)

MR. NELSON. I believe he was.

MR. HARRISON. Let the record show that the chairman of the subcommittee (Mr. McSweeney) had to leave and I will preside.

MR. TAVENNER. I hand you a photostatic copy of a portion of the issue of November 10, 1937, of the Daily Worker. The Daily Worker is an official publication of the Communist Party, is it not?

(Witness confers with his counsel.)

MR. NELSON. It is not an official organ of the Communist Party now.

MR. TAVENNER. In 1937 it was an official publication of that party, was it not?

<sup>6</sup> See appendix, p. 154, Nelson exhibit 1.

Mr. NELSON. I believe it was then.

Mr. TAVENNER. I hand you this article, entitled "Steve Nelson an Exemplary Political Commissar in the International Brigade," by Joseph North, and ask you to examine it.

(Witness examines document and confers with his counsel.)

Mr. NELSON. I didn't have a chance to read it carefully. It appears to be an article from the Daily Worker, but I can't say that all the facts are correct, because the story was cabled from Valencia, Spain. At that time I was in a hospital wounded, and I don't recall reading the story, that is, the article, as it appeared in the Daily Worker, because I wasn't here at the time.

Mr. TAVENNER. You knew Joseph North in Spain, did you not?

Mr. NELSON. Yes, I met him. He was a correspondent for the Daily Worker.

Mr. TAVENNER. This article describes your activity to some extent in the International Brigade?

Mr. NELSON. Yes, I gather that from glancing at it.

Mr. TAVENNER. In the course of this article it is stated:

The working people of the Soviet Union were passing through a bitter period and Steve joined the Friends of Soviet Russia. On the first anniversary of Lenin's death, he joined the C. P. at the memorial meeting in Philadelphia.

Is that correct?

Mr. NELSON. That is what the story says, but the facts are not so.

Mr. TAVENNER. Didn't you tell Mr. North that when he prepared this article?

Mr. NELSON. How do I know what I told him 12 years ago?

Mr. TAVENNER. Do you or do you not?

Mr. NELSON. Would you remember details like that 12 years ago?

Mr. HARRISON. Answer the question.

Mr. NELSON. I don't know.

Mr. HARRISON. You do not know whether you did or not?

Mr. NELSON. That is right.

Mr. TAVENNER. Is it not a fact that you did join the Communist Party in Philadelphia on the anniversary of Lenin's death?

Mr. NELSON. That is not true. Let me point out to you, which is what I wanted to say, Mister—I don't know who you are, by the way.

Mr. TAVENNER. That doesn't make any difference.

Mr. NELSON. I think I should know. What I wanted to point out was that the Communist Party of the United States was organized later as a Communist Party and not, as far as I recall, was it organized in 1924. It was the Workers Party.

Mr. TAVENNER. I desire to offer in evidence the publication referred to, and have it marked "Nelson exhibit 2."

Mr. HARRISON. It is admitted.<sup>7</sup>

Mr. TAVENNER. You did join the Communist Party, however, did you not?

Mr. NELSON. It is a well-known fact I am a member of the Communist Party. I must have joined it.

Mr. TAVENNER. You must have joined it. All right.

Mr. HARRISON. I ask the witness to respond directly to the questions propounded, "Yes" or "No." I am not undertaking to limit his answers, but I do think it would save time if he answered more directly the questions asked by counsel.

<sup>7</sup> See Appendix, p. 154, Nelson exhibit 2.

Mr. TAVENNER. I hand you a photostatic copy of a portion of the October 27, 1934, issue of the Daily Worker, in which appears an article, "Old Parties Push Fake Job Slogans in Penn Elections," by Steve Nelson. I ask if that was a contribution to the Daily Worker made by you?

(Witness examined document and confers with his counsel.)

Mr. NELSON. Mr. Chairman, I think the line of questions of the committee are pretty clear to me by now. It is clearly an attempt to build up a line of questions which will tend to incriminate me as an active Communist, and incriminate other people, and I reserve the right not to answer that.

Mr. HARRISON. Does that complete the witness' statement in explanation of his refusal to answer the question?

(Witness confers with his counsel.)

Mr. NELSON. Yes, it does.

Mr. HARRISON. The committee will direct the witness to answer the question.

(No response.)

Mr. HARRISON. Let the record show that the witness refused to answer.

Mr. TAVENNER. I don't know if the witness made reply to your question.

Mr. HARRISON. The witness made no further reply when directed to answer.

Mr. BLOCH. If the committee pleases, in asking the committee to reconsider its ruling I would like to point out that membership in the Communist Party, with knowledge of its policies and program, constitutes a criminal offense under the Smith Act of 1940, and the answer to this particular inquiry would tend to show that this witness was a Communist who was active, who wrote for official publications of the Communist Party, and would therefore directly involve him in the imputation that he is active in the Communist Party and knows full well its policies and program. That is an elaboration of the assertion of the witness that he is relying upon his rights under the Constitution, particularly the right of protection against self-incrimination.

Mr. TAVENNER. I offer this publication in evidence and ask it be marked "Nelson exhibit 3."

Mr. HARRISON. It will be admitted.<sup>8</sup>

I understand there is no disposition on the part of the committee to change its conclusion that this is a proper question for the witness to answer.

Mr. BLOCH. I think Representative Nixon is fully familiar with this law, and as one who has specific knowledge of the Smith Act, there is no question or controversy in what I have stated to the committee in support of the witness' insistence that he be afforded his protection under the fifth amendment.

Mr. NIXON. I might say that the reason I think the chairman was justified in directing that the witness answer the question is that Mr. Nelson has already, in his testimony, stated that he is an open and avowed Communist.

Mr. BLOCH. Being an open and avowed Communist does not come within the purview of the Smith Act. Being a Communist who is

<sup>8</sup> See Appendix, p. 154, Nelson exhibit 3.

active and who has knowledge of the policies and programs of the Communist Party is, according to the Government's interpretation as indicated by the indictment against the 11 Communist leaders in New York, subject to the penalties of the Smith Act.

Mr. NIXON. I think the record of Mr. Nelson's statement on that will indicate he went further as to the kind of a Communist he was, but in any event, in view of his membership in the party, and in view of Mr. Nelson's admission that that membership and his activities are well known, I don't see how answering the question would incriminate him.

Mr. BLOCH. I would like to press the objection and call attention to the history of this committee, with reference to accusations made against the predecessor of this committee, that they were invading constitutional rights. It was said in the press that this committee was going to be scrupulous in protecting the constitutional rights of witnesses, and I therefore suggest to the committee that it be extremely deliberate in its judgments when it is beginning to ask questions which might tread on the constitutional rights of persons who appear before it, under subpoena or otherwise.

Mr. HARRISON. The committee will adjourn until 2 o'clock.

(Thereupon, at 12:10 p. m., an adjournment was taken until 2 p. m. of the same day.)

#### AFTERNOON SESSION

The committee met, pursuant to adjournment, at 2 p. m., in room 226, Old House Office Building, Hon. John S. Wood (chairman), presiding.

Committee members present: Representatives John S. Wood, Burr P. Harrison, John McSweeney, Morgan M. Moulder, Richard M. Nixon, and Francis Case.

Staff members present: Frank S. Tavenner, Jr., counsel; Louis J. Russell, senior investigator; William A. Wheeler, investigator; and A. S. Poore, editor.

Mr. WOOD. The committee will be in order, please.

The record will show that Mr. Harrison, Mr. McSweeney, Mr. Moulder, Mr. Nixon, Mr. Case, and Mr. Wood are present.

You may proceed.

#### SWORN TESTIMONY OF STEVE NELSON, ACCOMPANIED BY HIS COUNSEL, EMANUEL H. BLOCH (Resumed)

Mr. TAVENNER. Mr. Nelson, I hand you a photostatic copy of the March 1934 issue of Party Organizer, a publication of the Communist Party, which carries an article entitled "How the Unemployment Councils were Built in Lackawanna County," by Steve Nelson, in which unemployment councils and party units are discussed, and an appeal is made to the unemployed, small home owners, and single young workers. Will you examine this article and state whether or not you made that contribution to that magazine?

(Witness examines document and confers with his counsel.)

Mr. NELSON. Mr. Chairman, I refuse to answer that question on the grounds that this is interfering with my right under the first amendment of the Constitution and on the grounds of the fifth amendment,

along the same line that I explained this morning, that you gentlemen know that the Communist Party is under attack, and things are ascribed to the Communist Party that are false but this committee contends they are correct, and on the grounds of that I cannot answer the question.

Mr. WOOD. I understand the question asked you is whether you contributed that article, a photostatic copy of which was presented to you, to the magazine. I fail to see how an answer to that question would tend to incriminate you or violate any of your constitutional rights.

Mr. BLOCH. Mr. Chairman, you were not here this morning, but this question has been argued out as a proposition of law, and in addition to the statements made by the witness I was given the permission, the privilege, to elaborate. I advise the witness to persist in his refusal to answer on the grounds stated.

Mr. WOOD. I still don't see how an answer to that question would tend to incriminate him.

Mr. TAVENNER. I desire to introduce the article in evidence and have it marked "Nelson Exhibit 4."

Mr. WOOD. Without objection it will be admitted.<sup>9</sup>

Mr. BLOCH. May I direct an inquiry to the chairman? I still don't know the limits of my rights. I don't know if you will accord me the right to object to the introduction of these exhibits.

Mr. WOOD. It is the right of counsel in this committee, and as far as I know in other committees, to confer with his client and advise his client.

Mr. BLOCH. I wish to note in the record that any failure on my part to object does not necessarily waive any of the rights of the witness, in view of the limitations.

Mr. TAVENNER. I hand you a photostatic copy of the September 17, 1936, issue of the Daily Worker, which carries your picture and refers to your candidacy for the legislature of the State of Pennsylvania from Wilkes-Barre, and to the political value of the circulation of the Sunday Worker, in which you were alleged to have been engaged. Will you examine that and state whether or not that is your photograph?

(Witness examines document and confers with his counsel.)

Mr. NELSON. I can't tell whether the photograph is mine or not. It appears to be.

Mr. TAVENNER. Were you a candidate for the legislature, as stated under the photograph?

Mr. NELSON. The answer I gave to the other question applies to this one in the same way. If you want me to, I will repeat it.

Mr. WOOD. You mean you decline to answer whether you were a candidate for the legislature in Pennsylvania in 1936?

Mr. NELSON. Yes.

Mr. WOOD. On the ground it would tend to incriminate you?

Mr. NELSON. Yes; first and fifth amendments.

(Conference between the witness and his client.)

Mr. NELSON. If it isn't understood, I mean on the ground that it may tend to incriminate me.

Mr. TAVENNER. I desire to offer the paper in evidence and have it marked "Nelson exhibit 5."

<sup>9</sup> See appendix, p. 154, Nelson exhibit 4.

Mr. WOOD. Without objection, it is admitted.<sup>10</sup>

Mr. TAVENNER. I hand you another issue of the Daily Worker, bearing date November 3, 1936, which contains the national list of the Communist Party candidates, and under the heading "Luzerne County, Seventh Legislative District" appears your name, Steve Nelson. Will you examine that and state whether or not you were a candidate for office at that time?

Mr. NELSON. I refuse to answer that question on the grounds I have already stated before.

Mr. CASE. Mr. Chairman, is it going to be an accepted position of this committee that it is going to be incriminating to be a candidate for public office in the United States?

Mr. NELSON. May I comment on that?

Mr. WOOD. In response to the question propounded by a member of the committee, I will state to the committee that it should not be understood the committee is accepting any such statements or excuses.

Mr. BLOCH. I would like to respond to the Congressman's inquiry.

Mr. WOOD. I think I have responded to it.

Mr. BLOCH. I could add something if you would permit me.

Mr. TAVENNER. I offer the paper in evidence and ask that it be marked "Nelson exhibit 6."

Mr. WOOD. Without objection it will be received.<sup>11</sup>

Mr. TAVENNER. I now present you a photostatic copy of an issue of the Daily Worker of September 14, 1937, and draw your attention to an article entitled "Fighter in Spain Honored by Section in Recruiting Drive," in the course of which article the following paragraph appears:

Steve Nelson, who for years has been Communist section organizer in the anthracite coal region, is in Spain, one of the key men in the Washington-Lincoln battalion. But he continues to inspire the recruiting drive for Communists in his home battleground which he temporarily handed over to other hands.

Is that a correct statement?

(Witness confers with his counsel.)

Mr. NELSON. Mr. Chairman, my answer is the same as to the previous questions.

Mr. TAVENNER. I offer the article in evidence and ask that it be marked "Nelson exhibit 7."

Mr. WOOD. Without objection it will be received.<sup>12</sup>

Mr. TAVENNER. I present to you another issue of the Daily Worker, bearing date February 24, 1936, in which there appears a letter over your name in which it is stated:

Instead of section organizers just working out "plans," they will now have the responsibility of trying to carry out some plans in practice.

My personal response to the challenge is that I will recruit 25 members by the party convention, of which 18 applications have already been sent in, including 13 miners (5 of them employed, 8 of them on WPA); 2 employed textile workers and 1 unemployed; 3 professionals. I will make it my business to fulfill my quota by the convention.

The name appears "Steve Nelson" with the letters "SO, Luzerne County."

Did you write that letter to the Daily Worker?

<sup>10</sup> See appendix, p. 154, Nelson exhibit 5.

<sup>11</sup> See appendix, p. 154, Nelson exhibit 6.

<sup>12</sup> See appendix, p. 154, Nelson exhibit 7.

Mr. NELSON. I refuse to answer that on the same grounds I gave before.

Mr. TAVENNER. I call your attention to the letters "SO" appearing after your name. Does that indicate section organizer?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that.

Mr. TAVENNER. Were you section organizer of the Communist Party in that locality at that time?

Mr. NELSON. I refuse to answer that.

Mr. TAVENNER. I offer in evidence that paper and ask that it be marked "Nelson Exhibit 8."

Mr. WOOD. Without objection it will be admitted.<sup>13</sup>

Mr. TAVENNER. I hand you now a photostatic copy of a passport application which was obtained by the committee in response to a subpoena, and will ask you if you can identify it. It is over the name of Steve Nelson.

(Witness confers with his counsel.)

Mr. NELSON. Mr. Chairman, I refuse to answer that question on the same grounds plus the additional reason that this has to do with my political activity, and therefore I refuse to answer that question.

Mr. WOOD. Exactly what was the question, Mr. Tavenner?

Mr. TAVENNER. I asked if he could identify it.

Mr. MOULDER. Could it be marked as an exhibit first so that it might be referred to as an exhibit?

Mr. TAVENNER. I offer in evidence this photostatic copy of passport application and ask that it marked "Nelson Exhibit 9."

Mr. WOOD. It will be received.<sup>14</sup>

Mr. TAVENNER. And I will ask you, Mr. Witness, to examine Nelson exhibit 9 and state whether or not that was a passport application made by you on the date indicated thereon?

Mr. NELSON. Same answer, Mr. Chairman.

Mr. WOOD. It might be pointed out, I believe, Mr. Nelson, that at the moment the question of whether or not you made that application is the one put to you. There are no political implications in that question. Do you still decline to answer?

Mr. NELSON. It is my understanding it does bear on my political activity. That is why I refuse to answer.

Mr. WOOD. Up to this moment there has been no implication of that character put forth in connection with that particular question or this particular exhibit. The simple question asked you now is: Did you yourself make this application, a photostatic copy of which has been submitted to you, marked "Nelson Exhibit 9." Do you still desire to answer as you did?

Mr. NELSON. The same answer.

Mr. WOOD. And you decline to answer for that reason?

Mr. NELSON. Yes.

Mr. BLOCH. May I say that although on the face it may not appear there is a political implication, the witness may have in his mind—and he is the only one who knows—his conduct and activities in connection with the alleged making of this passport application, and it is not for you or for me to say whether or not this witness has that in mind.

<sup>13</sup> See appendix, p. 154, Nelson exhibit 8.

<sup>14</sup> See appendix, p. 154, Nelson exhibit 9.

Mr. WOOD. Mr. Attorney, you may advise your client what you are advising the committee if you so desire.

Mr. BLOCH. I so advised him.

Mr. NIXON. I understand the witness says there is an implication in connection with the Communist International. Is that correct?

Mr. BLOCH. Don't answer. That is precisely the advice of—

Mr. WOOD. Mr. Counsel, you will have to remain seated if you remain in here.

Mr. BLOCH. I am sorry. I thought I was being courteous. I always stand in court.

Mr. WOOD. I will go further and say you will have to remain quiet if you stay here.

Mr. BLOCH. Evidently a precedent was set this morning. I was permitted to argue questions of law. If the committee is going to be an Indian giver and take it away, you may so state for the record.

Mr. WOOD. Let us get this settled now. You have a perfect right to confer with Mr. Nelson, whom I assume you represent?

Mr. BLOCH. That is correct.

Mr. WOOD. To the fullest extent you desire; and having done so, it is up to the witness to answer. The committee does not desire any argument.

Mr. BLOCH. I understand the import of the chairman's ruling. I thought, as one lawyer speaking to other lawyers, I might elucidate the committee on questions of law.

Mr. CASE. The committee has counsel of its own. I understood counsel was counsel for the witness and not for the committee.

Mr. BLOCH. I am submitting to the chairman's ruling under protest, because I believe you are depriving the witness of a constitutional right he has to have his counsel argue questions of law in his behalf. That is the American tradition.

Mr. WOOD. Proceed.

Mr. TAVENNER. Mr. Nelson, this passport application shows that the person signing it stated: "I solemnly swear that I was born at Rankin, Pa." Were you born at Rankin, Pa.?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that. I told you where I was born.

Mr. NIXON. He answered the question.

Mr. TAVENNER. This application further shows that a passport was issued August 14, 1931. Did you receive the passport?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. What do the letters OGPU stand for?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that. You can get that answer from somewhere else.

Mr. TAVENNER. Isn't that Russia's secret police?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. Mr. Chairman, I think I should read to the witness, to give him an opportunity to either confirm it or explain it or deny it, the testimony of Mr. William O. Nowell, given before the Committee on Un-American Activities on November 30, 1939, or an excerpt from it.

Mr. WOOD. Proceed.

Mr. TAVENNER (reading):

Mr. WHITLEY. What is your full name, Mr. Nowell?

Mr. NOWELL. William Odel Nowell.

Mr. WHITLEY. And where were you born?

Mr. NOWELL. In the State of Georgia.

Mr. WHITLEY. When were you born?

Mr. NOWELL. July 11, 1904.

Mr. WHITLEY. What is your present residence, Mr. Nowell?

Mr. NOWELL. Detroit, 1382 Fleming.

Mr. WHITLEY. How long have you lived in Detroit?

Mr. NOWELL. About 16 years.

Mr. WHITLEY. Were you ever a member of the Communist Party?

Mr. NOWELL. I was.

Mr. WHITLEY. When and where did you join the party?

Mr. NOWELL. I joined in Detroit, in 1929, in the summer of 1929.

\* \* \* \* \*

Mr. VOORHIS. When did you leave the Communist Party?

Mr. NOWELL. I left at the end of 1936.

Mr. VOORHIS. At the end of 1936?

Mr. NOWELL. Yes.

\* \* \* \* \*

Mr. WHITLEY. What national or local party leaders do you know or have you worked with, Mr. Nowell?

Mr. NOWELL. I have worked with most of the national leaders—that is, those that were leaders since—committee members, and leading Communist functionaries locally and nationally for the period 1929 to 1935 or 1936, and I have a list here. I have a complete list here of people—it is not exhaustive by any means—of people who were in and are still playing a very important part in the leadership of the Communist Party in various sections of the country. I also have a prepared list here of people that I know to be occupying strategic positions in industries and organizations in Detroit and Michigan.

Mr. WHITLEY. Will you read that list if it is not too extensive?

Then, proceeding to read various names, he stated:

Mr. NOWELL. \* \* \* Steve Nelson, who went in the International University under the name of Louis Evans, is reported to have served in Spain and toured the country shortly after in the interests of the Communist Party and the Spanish legionnaires, or those people who were sent to Spain to assist the Spanish loyalist cause. He was conspicuous because of his connection with the OGPU in Moscow.

Mr. VOORHIS. Who is that?

Mr. NOWELL. Steve Nelson.

Mr. VOORHIS. You know by your contact with him that he was connected with the OGPU?

Mr. NOWELL. In Moscow. I was present; I was there at the time.

Do you desire to make any comment on that testimony that was given before this committee?

(Witness confers with his counsel.)

Mr. NELSON. First of all, that testimony you read there is a piece of testimony given to you by a noted labor spy and a rat, and I refuse to dignify that as being anything but a bunch of—I refuse to answer that question.

Mr. TAVENNER. Let me ask you this: Were you in Moscow?

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. Did you attend the Lenin Institute?

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. Did you leave the United States and go to France, and from France to Germany, and from Germany to Russia?

Mr. NELSON. I refuse to answer that question.

Mr. BLOCH. Just a second. Mr. Chairman, I would like to interject at this point, I want the record to note, if it does not note explicitly,

that the witness is refusing to answer, I assume, on the same grounds he has already urged. Otherwise, I think the witness should be extended the right to say so specifically. There were four questions and the witness responded "I refuse to answer." I would like the record to show he is refusing to answer on the same grounds he has asserted in refusing to answer previous questions. If there is any doubt in the committee's mind, I want him to be accorded the privilege of saying so specifically.

Mr. TAVENNER. I will accord him the privilege. I was probably at fault in asking the questions too fast.

What was the ground of your refusal to answer the last four questions?

Mr. NELSON. On the grounds of the fifth amendment.

Mr. TAVENNER. Did you not appear before the American consul at Vienna and request a 2-year renewal of your passport, in which you stated you had resided in Russia from September 1931 to May 1933, and had resided in Germany, Switzerland, and Austria from May to July 1943?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. NIXON. Mr. Counsel, have you left the Nowell allegations?

Mr. TAVENNER. Yes.

Mr. NIXON. Mr. Nelson, I understood you did not want to dignify Mr. Nowell's testimony on the ground he was a labor spy, and you started to say something else.

Mr. NELSON. That is as far as I want to go.

Mr. NIXON. You think Mr. Nowell's allegations, because he was a labor spy, are so false that you do not wish to answer?

Mr. NELSON. I refuse to answer.

Mr. NIXON. You do not say Mr. Nowell's statements are not true?

Mr. NELSON. I think my meaning is clear.

Mr. NIXON. It is not clear at all.

Mr. NELSON. I refuse to answer the question.

Mr. NIXON. In one instance you say Mr. Nowell is a person who could not be believed, in effect, and in the second instance you refuse to answer whether the charges are true or false. Are they false?

Mr. NELSON. I refuse to answer that question, but you can't hold me from having an opinion on what a labor spy is and how I am going to treat his testimony.

Mr. NIXON. But as far as the allegations are concerned, you refuse to answer on the ground of self-incrimination?

Mr. NELSON. That is right.

Mr. NIXON. You do not say whether they are true or false?

Mr. NELSON. I refuse to answer that. You can draw your own conclusions.

Mr. TAVENNER. I hand you a photostatic copy of a passport application, which the committee obtained under a subpoena duces tecum, over the signature of Joseph Fleischinger. I ask it be marked "Nelson Exhibit 10."

It bears date February 23, 1937. I will ask you to examine it and state whether or not you are the Joseph Fleischinger referred to in that passport application?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Will you look at the signature of Joseph Fleischinger and tell us whether it does not appear to have been misspelled on two occasions and corrected?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. Will you look at the photograph on the side of that passport and tell the committee whether or not it is a photograph of you?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. I offer in evidence the paper marked "Nelson Exhibit 10."

Mr. WOOD. Without objection it will be admitted.<sup>15</sup>

Mr. TAVENNER. When did you go to Spain?

Mr. NELSON. I refuse to answer that question; same grounds.

Mr. TAVENNER. Did you receive a legal passport to leave this country when you went to Spain to become engaged in the fighting there?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. You told us this morning that you were wounded in service. Was that in Spain?

Mr. NELSON. I refuse to answer the question on the same grounds.

Mr. WOOD. Will you tell us where, if at all?

Mr. NELSON. I refuse to answer that question.

Mr. TAVENNER. Do you know Mr. Tomas Babin?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Mr. Babin, in his testimony before an executive session of this committee on May 27, 1949, made this statement in referring to Steve Nelson: "I met him in Spain." Do you have any explanation you desire to make about that?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I hand you an issue of the Daily People's World of October 7, 1948, which carries a photograph, and underneath the photograph it says: "Steve Nelson as he appeared in the uniform of Spanish Democracy." Will you look at that and see if you can identify that picture?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. I offer that paper in evidence and ask that it be marked "Nelson Exhibit 11."

Mr. WOOD. Without objection it will be admitted.<sup>16</sup>

Mr. TAVENNER. Mr. Nelson, were you in the State of California in March 1941?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I hand you an issue of the Daily Worker bearing date March 21, 1941, and call your attention to an article the heading of which is: "1,500 at Coast meeting demand 'Free Browder'." In the course of the article this paragraph appears:

The outdoor rally was called by the San Francisco Communist Party county committee. Speakers were Louise Todd on "Why Browder was arrested"; Sam Jaye on "War and the attacks on the trade unions"; Steve Nelson, county chairman of the Communist Party of San Francisco;

and so on. Will you examine that article and state whether or not it speaks the truth with reference to you?

Mr. NELSON. Same answer; same grounds.

Mr. TAVENNER. Were you the county organizer of Alameda County, Calif., in March 1941?

<sup>15</sup> See appendix, p. 154, Nelson exhibit 10.

<sup>16</sup> See appendix, p. 154, Nelson exhibit 11.

Mr. NELSON. I refuse to answer that on the same grounds, as well as on the ground of the first amendment. This committee has no business interfering where a person is acting politically.

Mr. TAVENNER. I desire to offer that paper in evidence and have it marked "Nelson Exhibit 12."

Mr. WOOD. It will be admitted.<sup>17</sup>

Mr. TAVENNER. I will ask if you were in Oakland, Calif., in December 1942?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I hand you a photostatic copy of Daily People's World bearing date December 14, 1942, and call your attention to an article entitled: "Spain Vet Does It Again—Hero in Pacific Fighting—Bottcher Splits Enemy Force in Buna Drive." I call your particular attention to this paragraph contained in the article:

Bottcher, born in Germany, but a citizen of San Francisco since 1931, served in Spain under Lt. Col. Steve Nelson, another American of the International Brigade, now in Oakland.

Will you examine that and state whether it states the facts; that is, the portion that I read to you?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. I offer that paper in evidence and ask it be marked "Nelson Exhibit 13."

Mr. WOOD. It will be received.<sup>18</sup>

Mr. TAVENNER. Were you on the National Committee of the Communist Party representing the State of California in the year 1944?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. I hand you an issue of the Daily Worker of May 23, 1944, and call your attention to an article entitled "Officers of Communist Political Association," in which it shows that the president is Earl Browder, the vice president William Z. Foster, and so on, and the national committee members, in addition to the above officers, are, among other persons, "Steve Nelson, California." Will you examine the paper and state whether or not it states the fact?

Mr. NELSON. My answer is the same, grounds the same, fifth amendment.

Mr. TAVENNER. I desire to offer that paper in evidence and have it marked "Nelson Exhibit 14."

Mr. WOOD. Without objection it will be admitted.<sup>19</sup>

Mr. TAVENNER. I hand you now a photostatic copy of a letter over the signature of Earl Browder, general secretary of the Communist Party, U. S. A., bearing date November 27, 1939, directed to Rhea Whitley, counsel, Committee on Un-American Activities, Washington, D. C., furnishing a list of the names of the national committee of the Communist Party of the United States and a list of the national committee of the Communist Party elected at the tenth convention, from which there appears, on page 3, William Z. Foster, chairman; Earl Browder, secretary; and under the heading "Members" among others appears the name "Steve Nelson." Is that statement by Mr. Browder correct, or is it false, insofar as it refers to you as a member of the national committee?

Mr. NELSON. I refuse to answer the question on the same grounds.

<sup>17</sup> See appendix, p. 154, Nelson exhibit 12.

<sup>18</sup> See appendix, p. 154, Nelson exhibit 13.

<sup>19</sup> See appendix, p. 154, Nelson exhibit 14.

Mr. TAVENNER. I offer the letter in evidence and ask that it be marked "Nelson Exhibit 15."

Mr. WOOD. Without objection it will be admitted.<sup>20</sup>

Mr. BLOCH. I think you inadvertently designated the date as November 27, 1949. It bears date November 27, 1939.

Mr. TAVENNER. I am fairly certain I said 1939. If I was in error, that fact will appear.

Mr. WOOD. Does the answer remain the same irrespective of what counsel stated the date of the letter to be, 1939 or 1949?

Mr. NELSON. I answered the question right, as I wanted to.

Mr. WOOD. Having examined the letter, you now say you decline to answer the question?

Mr. NELSON. That is right.

Mr. WOOD. As to its correctness or incorrectness, so far as it applies to you?

Mr. NELSON. That is right; on the same grounds.

Mr. TAVENNER. I hand you a photostatic copy of "Proceedings of the Constitutional Convention of the Communist Political Association," May 20-22, 1944, giving a list of the National Committee of the Communist Political Association, and under the title "Members of the National Committee," among other names, appears the name of Steve Nelson. Will you examine that document and state whether or not it states the fact with reference to you?

Mr. NELSON. Same answer, same grounds.

Mr. TAVENNER. I desire to offer that document in evidence and have it marked "Nelson Exhibit 16."

Mr. WOOD. It will be admitted.<sup>21</sup>

Mr. MOULDER. Mr. Chairman, may I ask a question?

Mr. WOOD. Yes. Mr. Moulder.

Mr. MOULDER. Are you a member of any political party or organization which advocates the overthrow or change of our present form of Government by force or violence?

Mr. NELSON. I refuse to answer on the basis of the first amendment and the other grounds stated.

Mr. NIXON. Do I understand from your answer that you believe under the first amendment a person should have a right to belong to an organization that advocates the overthrow of the Government by force or violence?

Mr. NELSON. I do not.

Mr. NIXON. That was the question.

Mr. NELSON. That was not the question. The question was asking me to state before this committee what my political beliefs were or are, and in my opinion this committee has no right to ask me that question and I refuse to answer it on constitutional grounds.

Mr. NIXON. The question as I understood it was whether you belonged to an organization that advocated the overthrow of the Government by force or violence. That is different from belonging to a political organization. Was that the question, Mr. Moulder?

Mr. MOULDER. Yes.

(Witness confers with his counsel.)

Mr. NELSON. I don't want to engage in a discussion with the committee, but I have given you the answer which I believe is right.

<sup>20</sup> See appendix, p. 154, Nelson exhibit 15.

<sup>21</sup> See appendix, p. 154, Nelson exhibit 16.

Mr. TAVENNER. I am referring to "Nelson Exhibit 2," which is the issue of the Daily Worker of November 10, 1937, about which I asked you several questions this morning. I asked you about the article written by Mr. Joseph North in which it is stated that on the first anniversary of Mr. Lenin's death, you joined the Communist Party at the memorial meeting in Philadelphia. I believe you told me that the Communist Party as such had not been organized as of that date. Is that what I understood you to say?

Mr. NELSON. I refuse to answer that question, and if I gave you a different impression, I want it corrected. I refuse to answer on the ground it may tend to incriminate me, as well as interfering in the province of my political beliefs.

Mr. TAVENNER. Then you refuse to repeat what you said this morning?

Mr. NELSON. That is right.

Mr. TAVENNER. I have presented here evidence, which, if believed, indicates you were active in the organization work of the Communist Party and that you were active as a functionary of the Communist Party in California during the years 1941, 1942, and 1943. Now I would like to ask you if, during that period of time, 1941 through 1943, you were acquainted with the Communist cell alleged to have been in existence at the Radiation Laboratory at Berkeley, Calif.?

Mr. BLOCH. If the chairman please, I would like to strike the first part of the question as to form. It presupposes a question of fact that has not been proved at all. No such evidence has been adduced. It is of no probative value, it is worthless, and it wouldn't be accepted in any court in this land or any other land. I am willing the witness answer the question provided that preliminary outburst be deleted.

Mr. WOOD. The witness was asked if he was familiar with an alleged Communist cell existing at Radiation Laboratory at Berkeley during the period 1941 to 1943. What is the witness' answer to that question?

Mr. NELSON. I refuse to answer that on the same grounds, on grounds of the fifth amendment.

Mr. TAVENNER. Did you know Bernadette Doyle in California?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Was she your secretary in the organization work of the Communist Party in California?

Mr. NELSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. And did you meet at her home, or at the place where she lived, with other persons or any persons advocating Communist beliefs?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you become acquainted in California with Dr. Irving David Fox?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you become acquainted with Dr. Joseph Weinberg?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did Dr. Joseph Weinberg visit your home at 3720 Grove Street, Oakland, Calif., on March 29, 1943?

Mr. NELSON. I refuse to answer that question. Even if I had a memory for dates I couldn't remember that.

Mr. TAVENNER. Did you meet him at any time from the beginning of 1941 to the end of 1943 at your home?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. You do recall that your home was at 3720 Grove Street, Oakland, Calif., do you not?

(Witness confers with his counsel.)

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Not on the ground that you do not remember?

Mr. NELSON. You can make your own deductions.

Mr. TAVENNER. I have. Do you know Dr. Giovanni Rossi Lomanitz?

Mr. NELSON. I refuse to answer on the same grounds.

Mr. BLOCH. Mr. Chairman, this matter has been gone over before, before this committee. The very same question was asked. It is purely repetitious. I suggest it to the committee for the sake of expediency. The witness gave the same answer at that time.

Mr. WOOD. We don't know if he will give the same answer at this time.

Mr. TAVENNER. Did you visit the home of Dr. Weinberg on August 17, 1943, at 2427 Blake Street, Berkeley, Calif.?

Mr. NELSON. I refuse to answer on the same grounds.

Mr. TAVENNER. What grounds?

Mr. NELSON. Fifth amendment and the grounds it might tend to incriminate me.

Mr. TAVENNER. I thought you were referring again to the fact that you might not recollect the time.

Do you recall, Mr. Nelson, a conference held in New York City at Hotel Lincoln on June 23, 1947, which meeting had to do with the American Slav Congress and the Croatian Fraternal Union?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Did you on that occasion meet Tom Babin?

Mr. NELSON. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Did you meet Tony Gerlach?

Mr. NELSON. I refuse to answer the question on the same grounds.

Mr. TAVENNER. Did you rent a hotel room on that date, June 21—I believe I stated June 23 a few minutes ago, but on June 21—either in your name or with another person, at the Hotel Lincoln?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Do you know Mr. Paul Crouch?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I think, Mr. Nelson, I should read to you an excerpt from the testimony of Paul Crouch given before this committee on May 6, 1949:

Mr. WHEELER. \* \* \* You had left Tennessee at that time?

Mr. CROUCH. Yes. I recall Kenneth May had bought a home in Berkeley, Calif.—

Incidentally, did you know Kenneth May?

Mr. NELSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER (continuing to read):

and it was at a house-warming party for Kenneth May that I met Professor Hiskey. I would set the date, to the best of my memory, as August 1941. I talked with Hiskey in the presence of my wife, Kenneth May, and Steve Nelson, who was also present.

Mr. NELSON. I refuse to answer the question on the same grounds.

Mr. TAVENNER (continuing to read):

Mr. RUSSELL. How well did you know Steve Nelson?

Mr. CROUCH. I knew him many years. I had known him in New York before he went to Spain. I do not recall the exact date, but I believe it was between 1934 and 1936 when I was first introduced to him by Walter Trumbull. I knew him after his return from Spain. I met him at various Central Committee meetings in New York, and when I went to California I found he was San Francisco County leader of the Party.

I was at meetings with him of the District Bureau from May 1941 to January 1942. I also knew him through 1942 and 1943 when he was County organizer of Alameda County, having succeeded me in that position, as he frequently visited my home and tried to get me to return to work as a rank and file member of the Communist Party.

Mr. NELSON. I refuse to answer on the same grounds, and if I may comment on the statement by a person who apparently got a job on a paper down in Florida operating one of these scab vari-type machines, you can about guess what I think of a person that would come in that category. I think it is about the lowest thing on earth, a fellow that would go out and scab on union members as he does—

Mr. WOOD. Just a minute. You are attempting to give an opinion of a man when you decline to say whether you know him or not. Do you know him or not?

Mr. NELSON. I refuse to answer that question on the same grounds. I have read stuff about the guy in the papers.

Mr. WOOD. You were asked whether you know him and whether the statements he makes in the abstract of testimony are true or not.

Mr. NELSON. I said I refused to answer that on the same grounds.

Mr. NIXON. Just as the witness characterized the testimony of Mr. Nowell, he is following the same line of characterizing testimony of Mr. Crouch. Although he will not say the testimony is false, he proceeds to leave an implication in the record that Mr. Crouch is a liar. I would like to ask the witness to back up his charges.

Mr. BLOCH. There is no such implication in the record. When the witness avails himself of his rights under the fifth amendment he admits nothing, and as a lawyer, Mr. Nixon, you ought to know that.

Mr. NIXON. I want to tell counsel that as far as the witness's stand is concerned, it is apparent he is trying to leave an implication concerning Mr. Crouch's testimony, and certainly as to his veracity.

Mr. BLOCH. I think that is his right as an American citizen. I hold the same opinion.

Mr. NIXON. Don't interrupt me.

Mr. BLOCH. I am sorry if I interrupted you.

Mr. NIXON. Mr. Nelson has the same forum and the same opportunity Mr. Crouch had. If he desires to back up his charges concerning Mr. Crouch, I think the committee would like to have him do so.

Mr. NELSON. Mr. Chairman, you have my answer.

Mr. BLOCH. I think the witness is not required to in this forum, but a proper forum.

Mr. TAVENNER. That is all I desire to ask the witness.

Mr. HARRISON. Mr. Tavenner, are you satisfied the record shows the materiality of the questions you have asked?

Mr. TAVENNER. Yes.

Mr. McSWEENEY. You refused to answer whether you belong to any organization that advocates the overthrow of the Government, yet you are seeking protection under the fifth amendment; is that right?

Mr. NELSON. The fifth amendment, in substance, guarantees a citizen the right not to bear witness against himself, and I can tell you the historical reasons for it in our Constitution. There was a time when they flogged people, and people made statements against themselves, and there was a revolution in this country by the best liberal people who insisted there should be an amendment to the Constitution guaranteeing to a citizen the right not to bear witness against himself.

Mr. McSWEENEY. You are for the type of government that guarantees that protection to the individual?

Mr. NELSON. I am.

Mr. MOULDER. Do I understand you admit that you are a member of the Communist Party?

Mr. NELSON. I refuse to answer that question.

Mr. HARRISON. He answered it this morning.

Mr. MOULDER. And said he was?

Mr. HARRISON. Yes.

Mr. MOULDER. Are you a Communist?

Mr. NELSON. I refuse to answer that question. I think you are invading my constitutional right under the first amendment to belong to any party I see fit to join, and I think it is not the business of this committee to question any citizen along that line.

Mr. MOULDER. Are you familiar with the policies and program of the Communist Party of the United States?

Mr. NELSON. I refuse to answer that question.

Mr. CASE. Are you a member of a political party today?

Mr. NELSON. I refuse to answer that question because if I answered that you would ask me what party.

Mr. CASE. As I recall the provision of the fifth amendment, it protects one against testifying against himself in criminal cases. It isn't a matter of just refusing to answer, but incrimination must be involved.

Mr. BLOCH. You should take judicial notice of the fact there is an indictment and a trial pending in the southern district of New York against 11 leaders of the Communist Party, in which they are charged with conspiracy, and each and every man is charged with a crime under the Smith Act.

Mr. WOOD. Just a moment.

Mr. BLOCH. I think you should take judicial notice of the fact.

Mr. NELSON. The reasons why I cannot answer that question before this committee, as my counsel already indicated, there is already an assumption in this country, and especially in this body and in some other quarters of Congress, that the Communist Party is an organization that should be prosecuted, and it is being prosecuted at the present time, and if I cooperated with you I would incriminate myself or other citizens, which I refuse to do.

Mr. CASE. Of course the matter of other citizens is not involved in the fifth amendment.

Mr. BLOCH. That is true. It is merely a matter of ethics.

Mr. CASE. Your attitude would practically deny any field for the committee to operate in, in the field of subversive activities. I am a new member of this committee, but, frankly, after hearing the testimony today it would appear to me that the thing you have left in the record is an unusually long chapter or chapters or incidents about which you do not wish to testify on the ground you might incriminate yourself. I never heard of anybody who had such a long record he could not testify to without implying self-incrimination.

Mr. BLOCH. I am as ashamed as you are that these queries should be hurled at any American citizen.

There have been people trapped into admitting crime under an inquisitorial proceeding of this kind.

Mr. WOOD. If you are on your feet again I will have you ejected from the room.

Mr. BLOCH. I am through.

Mr. NELSON. Mr. Chairman, I would like to add this—

Mr. McSWEENEY. Mr. Chairman, when I was designated chairman this morning I told counsel he could only advise his client and had no right to interpret the law except to his client.

Mr. WOOD. I have been extremely patient about it, but I hope counsel will observe the amenities of the committee.

Mr. MOULDER. Mr. Nelson, in the event of war between the United States and Russia, to which country would you owe your allegiance and loyalty in such conflict?

Mr. NELSON. I refuse to answer that question, Mr. Chairman.

Mr. MOULDER. Mr. Chairman, I suggest that the witness' testimony be considered closed.

At the close of the testimony of Steve Nelson I move the committee find his conduct in refusing to answer numerous questions by the committee be considered and deemed as in contempt of the Congress of the United States. Therefore, I move that such actions and proceedings be filed and instituted against Steve Nelson as may be necessary, for contempt of the Congress of the United States.

Mr. WOOD. That will be taken up in executive session.

Mr. BLOCH. Mr. Chairman, I am asking your permission, purely on a legal proposition, to make this query:

Mr. WOOD. When we get through we will be glad to hear you.

Any further questions?

Mr. TAVENNER. No.

Mr. WOOD. The witness will be excused and the committee will go into executive session.

(Thereupon, at 4 p. m., the open session was concluded.)

## APPENDIX

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(NOTE.—Exhibits taken in connection with testimony of Steve Nelson, June 8, 1949, and filed with the committee are as follows:)

### EXHIBITS

- Nelson Exhibit 1—Photostat of passport issued to Josef Fleischinger, April 1920.<sup>1</sup>  
Nelson Exhibit 2—Photostat of Daily Worker, November 10, 1937 (article by Joseph North).  
Nelson Exhibit 3—Photostat of Daily Worker, October 27, 1934, page 3 (article by Steve Nelson).  
Nelson Exhibit 4—Photostat of Party Organizer, March 1934 (article by Steve Nelson).  
Nelson Exhibit 5—Photostat of Daily Worker, September 17, 1936.  
Nelson Exhibit 6—Photostat of Daily Worker, November 3, 1936.  
Nelson Exhibit 7—Photostat of Daily Worker, September 14, 1937.  
Nelson Exhibit 8—Photostat of Daily Worker, February 24, 1936 (letter from Steve Nelson).  
Nelson Exhibit 9—Photostat of passport application of Steve Nelson (passport issued August 14, 1931.)<sup>1</sup>  
Nelson Exhibit 10—Photostat of passport application—Joseph Fleischinger, February 23, 1937.<sup>1</sup>  
Nelson Exhibit 11—Photostat of Daily People's World, October 7, 1948.  
Nelson Exhibit 12—Photostat of Daily Worker, March 21, 1941.  
Nelson Exhibit 13—Photostat of Daily People's World, December 14, 1942.  
Nelson Exhibit 14—Photostat of Daily Worker, May 23, 1944.  
Nelson Exhibit 15—Photostat of letter dated November 27, 1939, from Earl Browder to Rhea Whitley, counsel, Committee on Un-American Activities.<sup>1</sup>  
Nelson Exhibit 16—Photostat of proceedings of the constitutional convention of the Communist Political Association, May 20–22, 1944.<sup>1</sup>

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<sup>1</sup> Reproduced for record.

# THE UNITED STATES OF AMERICA

## PASSPORT



FORM NO. 1  
MAY 19 1917

### DEPARTMENT OF STATE

We call to whom these presents shall come, greeting,  
If the undersigned, Secretary of State of the United States of  
America hereby request all whom it may concern to permit

*John H. Laidlaw*

a citizen of the United States, safe and solely to pass and in case  
of need to receive all lawful help and protection

This passport is valid for use only in the following countries  
and for objects specified in the same, to-wit:

Kingdom of the Netherlands

Switzerland

Denmark, Italy, Greece, Spain, Portugal

The bearer is accompanied by



These tickets may be used in the only one common with them at the  
City of Washington, the City of New York, and the City of  
in the year 1917 & any of the following countries, to-wit: the  
one hundred and forty-fourth

*John H. Laidlaw*

Age 41 years  
Height 5 ft 7 in  
Build Normal  
Eyes Blue  
Hair Brown  
Complexion Fair  
Complexion Light  
Place of Birth New York  
Date of Birth Oct 7 1878  
Signature



Dept of State  
John H. Laidlaw

*John H. Laidlaw*

ORIGINAL RECEIPTS

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AMENDMENTS, EXTENSIONS,  
AND SURRENDER.

THIS PASSPORT IS VALID FOR A PERIOD OF SIX MONTHS  
AND EXTENDS TO 30 DAYS UNLESS PREVIOUSLY  
SURRENDERED. IT IS SUBJECT TO RENEWAL FOR TWO PERIODS  
OF SIX MONTHS EACH.

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Belgrade No. 15 1820  
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Unis d'Amérique  
Via Suisse, Italie,  
et Belgique  
No 1202. Ad. Kelly  
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17-11-1920

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VE AU CONSULAT GENERAL DU ROYAUME  
DES SERRES, CROATES ET SLOVENES BON  
POUR SE RENDRE EN ETAT DES SERRES,  
CROATES, ET SLOVENES.  
NEW YORK, JAN 30 1920

J. No. 192

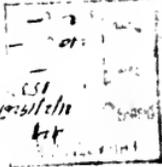
Par l'ordre du  
Consul General.



Passkontroll: FELOKIRCH  
5. APR. 1920  
Richturg



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VISAS

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Numero per l'immigrazione Svizzera  
2 tramonti, sabato la zona di giorno

Philadelphia le 31 12 1910  
Philadelphia

Il Reale Consolato Svizzera  
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Hans F. Huber

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Nr. 237 B, 3 Apr. 1920

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zur emmentaler (P. Issez)

Empfänger  
Feldbacher  
Zürich

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ZÜRICH  
1920  
MAR 4 1920  
Geneva

VISAS

Confédération Suisse

Visa No. 4727 Paris

Valable pour un séjour de 15 jours  
Bont lieu de visa  
pour se rendre de

à aller et retour  
et pour séjour  
à destination de

Validité de visa  
But du voyage  
Nom et Prénoms

ANNIST SAHS ABRETT  
à destination de  
Geneva

Point de destination  
à destination de  
Geneva

Pole University,  
H. J. Grant,  
H. J. Grant.



Etabli en Suisse par Porrentruy

Paris le 12 Mars 1920  
M. J. Grant  
Marsqu 0.50 fr.

American Consulate General  
ZURICH, Switzerland

Good

Beet is to depart for

Empfänger  
Geneva

Date  
March 4 1920

No fee prescribed  
American Consulate General











OATH OF ALLEGIANCE

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion; So help me God.

Sworn to before me this 13th day

(NAME OF CLERK)  
of August 1931

*Francis H. Smith*  
Deputy Clerk of the Dist. at Pittsburgh, Penna.

(Signature of applicant)

EXHIBIT  
NELSCR-9  
(page 2)

DESCRIPTION OF APPLICANT

Height: 5 feet, 9 inches. Age: 27 years.  
Hair: brown Eyes: gray-blue

Distinguishing marks or features:

Place of birth: Rankin, Penna. Date of birth: December 25, 1903  
(City and State) (Month, day, and year)

Occupation: Carpenter

(Note any facial marks or scars by which applicant may be identified)

I intend to leave the United States from the port of New York  
sailing on board the *T.T.T.* (Name of ship) AUG. 20 (Date of departure) 1931 (Year)

I request that my passport be mailed to the following address:  
ADDRESS *Please mail to*

Name: Steve Nelson,  
c/o Joe Cohen  
No. and Street: 1452 Wilkine Ave.,  
City and State: Bronx, New York.

*JKR*  
Note - A passport will not be mailed to an  
home address unless the holder is the  
owner of the place of destination there.

AFFIDAVIT OF IDENTIFYING WITNESS

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto affixed; that I know the applicant who executed the affidavit herein before set forth to be a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly swear that I have known the applicant personally for 7 years.

No law or other person will be accepted as witness to a passport application if the law requires the presence of a witness. The services in connection with the execution of the application or obtaining the passport.

Sworn to before me this 13th day  
of August 1931  
*Francis H. Smith*  
Deputy Clerk of the Dist. at Pittsburgh, Penna.

*Stacy L. Lingual*  
Boyle St. 1311 N. D. Pgh. Pa.



(Place of court)

Two photographs (duplicates) are required: one to be affixed to the application in the space designated above, and the other, bearing the signature of the applicant to accompany the application unattached. A group photograph may be used if more than one person is to be included in the passport. Photographs must be on thin paper, should have a light background and be not over 3 by 3 inches nor less than 2 1/2 by 2 1/2 inches in size.

PLEASE NOTE - As the Department of State will act upon this application promptly, inquiry concerning it should be made only in case of emergency.

A check against the national credit system should submit a birth or baptismal certificate with the application, or in a form of national and official and obtainable. Births should be submitted in the same kind of evidence should be submitted if American born, who is included in the application and the marriage occurred on or after the 1st JANUARY 1914. A check should be submitted.



# AFFIDAVIT OF BIRTH TO BE SUBMITTED WITH APPLICATION FOR AMERICAN PASSPORT

NOTE—A very serious penalty is provided in Sections 2 and 4 of the Espionage Act, approved June 2, 1917, for the falsification of applications for passports, or of affidavits or other documents to be used in connection therewith.

of the Espionage Act, approved June 2, 1917, for the falsification of applications for passports, or of affidavits or other documents to be used in connection therewith.

I, the undersigned, do solemnly swear that to the best of my knowledge and belief the following statements are true and correct:

That I have known, for the past 27 years, Miss Alice

(Name of person whose birth in the U. S. is to be proved.)

who is an applicant for an American passport.

That the person whose name appears above is now

deceased. Ray Spring York, 31, 21st Street,

(Street address and city or town)

and was born in New York

(City or town)

on or about Dec. 22, 1879 and is my beloved

(Year)

(Name relationship or title. Not related.)

My knowledge and belief of place and date of birth appearing above are based upon the following facts:

(If subject is not closely related to person whose birth in the U. S. is to be proved state how and through what source the knowledge is acquired.)

From date of birth

EXHIBIT  
VOL. 10-9  
(Page 3)

Anna F. F. F. F. F.  
(Signature of affiant)

507  
(Address and telephone number)

1919  
(Date)

(If by an attorney)

Subscribed and sworn to before me this

12 day of August, 1919

Notary Public

(Notary of the Department of State, Department of Navy, Public)

(IMPORTANT—Use Impression seal)

1-1081

(Over)

FD-304



36.8940

130

FLAEGHINGER JOSEPH

PASSPORT APPLICATION

PASSPORT ISSUED FEB 23 1937 DEPARTMENT OF STATE

FORM FOR NATIVE CITIZEN

United States of America, State of Pennsylvania, County of Philadelphia

I, Joseph Flaeghinger do hereby apply to the Department of State, at Washington, for a passport. I solemnly swear that I was born at Philadelphia, Pennsylvania, My father, Joseph Flaeghinger and is now residing at Philadelphia, Pennsylvania. I am domiciled in the United States, my permanent abode being Philadelphia, Pennsylvania.

I (have) never married (I have not) before entering the United States. I was born at Philadelphia, Pennsylvania, on February 23, 1907. My father emigrated to the United States from Philadelphia, Pennsylvania, and was naturalized in a court of the United States continuously in the United States from Philadelphia, Pennsylvania, to Philadelphia, Pennsylvania, Court of Philadelphia, Pennsylvania. I was naturalized in a court of the United States continuously in the United States from Philadelphia, Pennsylvania, to Philadelphia, Pennsylvania, Court of Philadelphia, Pennsylvania.

My father emigrated to the United States from Philadelphia, Pennsylvania, and was naturalized in a court of the United States continuously in the United States from Philadelphia, Pennsylvania, to Philadelphia, Pennsylvania, Court of Philadelphia, Pennsylvania. I was naturalized in a court of the United States continuously in the United States from Philadelphia, Pennsylvania, to Philadelphia, Pennsylvania, Court of Philadelphia, Pennsylvania.

I intend to leave the United States from the port of Philadelphia, Pennsylvania, on February 23, 1937, sailing on boat the Philadelphia, Pennsylvania, to Philadelphia, Pennsylvania.

7/1307 6236 11/15/37

53859

1-100



My last passport was obtained from Alme (Fuller, Washington, or location of office address) . . . . . 00 . . . . . (Date)

and is submitted herewith for cancellation . . . . . (Give disposition of passport. If it cannot be submitted)

I intend to visit the following countries for the purposes indicated:

France . . . . . (Name of country to be visited) Spain . . . . . (Purpose of visit)

and I intend to return to the United States within 4 months, . . . . . (Specify)

**DESCRIPTION AND PHOTOGRAPH OF APPLICANT**

Height 5 feet, 11 inches.

Hair Dark Brown

Eyes Blue

EXHIBIT  
NELSON-10  
(Page 2)

Distinguishing marks or features . . . . . (Note any marks or scars on hands or face)

Place of birth Philadelphia, Pa. (City and State)

Date of birth Feb 27 1904 (Month, day, and year)

Occupation Business



**ADDRESS**

I request that my passport be mailed to the following address:

Name Joseph Nelson

Number and street 249 S. 10th St.

City and State Phila Pa

I solemnly swear that the statements made on both sides of this application are true and that the photograph attached hereto is a likeness of me.

**OATH OF ALLEGIANCE**  
Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion. So help me God.

Subscribed and sworn to before me this 12th day of February, 1935.

(SEAL OF COURT) . . . . . Joseph Nelson . . . . . (Signature of applicant)

Clerk of the Court

**AFFIDAVIT OF IDENTIFYING WITNESS**

I, the undersigned, solemnly swear that I am a citizen of the United States; that I reside at the address written below my signature hereto aforesaid; that I know the applicant who executed the affidavit hereto in before set forth to be a citizen of the United States; that the statements made in the applicant's affidavit are true to the best of my knowledge and belief; further, I solemnly

swear that I have known the applicant personally for 3 years.

If witness has been issued a passport, give number if known and date or approximate date of issue.

No. Ad. Nelson . . . . . (Name of witness)  
249 S. 10th St. . . . . . (Residence of witness)

Subscribed and sworn to before me this 12th day of February, 1935.

(SEAL OF COURT) . . . . . Joseph Nelson . . . . . (Signature of applicant)

Clerk of the Court

Note.—If applicant was born outside the United States, on or after May 24, 1901, an alien father and an American mother, a naturalized citizen will be required giving the name and title and place of birth of mother as well as complete date, month, day and what date the applicant was a naturalized citizen.



# COMMUNIST PARTY of U.S.A.

William F. Winter  
Chairman

1415 Broadway  
New York, N.Y.

Dear Mr. Winter:

I am writing you regarding the

Mr. [Name] of [Address]  
Washington, D.C.

Dear Mr. [Name]:

I am writing you regarding the [Name] of [Address] in Washington, D.C. who has been identified as a member of the Communist Party of the United States of America. It is requested that you advise me of any information you may have regarding this individual.

Very truly yours,  
[Name]

The following information was obtained from [Source] on [Date]:

[Name] was born [Date] at [Address], [City], [State]. He is currently residing at [Address], [City], [State].

He is employed as [Job Title] at [Company Name], [Address], [City], [State].

He is married to [Name], [Address], [City], [State].

He has no other known contacts or activities.





that Mr. Rubin had advised my investigation to contact him with the information  
This occurred at 11:30 AM, and I called the number and spoke with him. I then called  
to my attention that the person who had called me had been identified as Mr. Rubin.  
Case file. Please take care of this information.

*E. J. [Signature]*  
E. J. [Name] Special Secretary  
[Address]

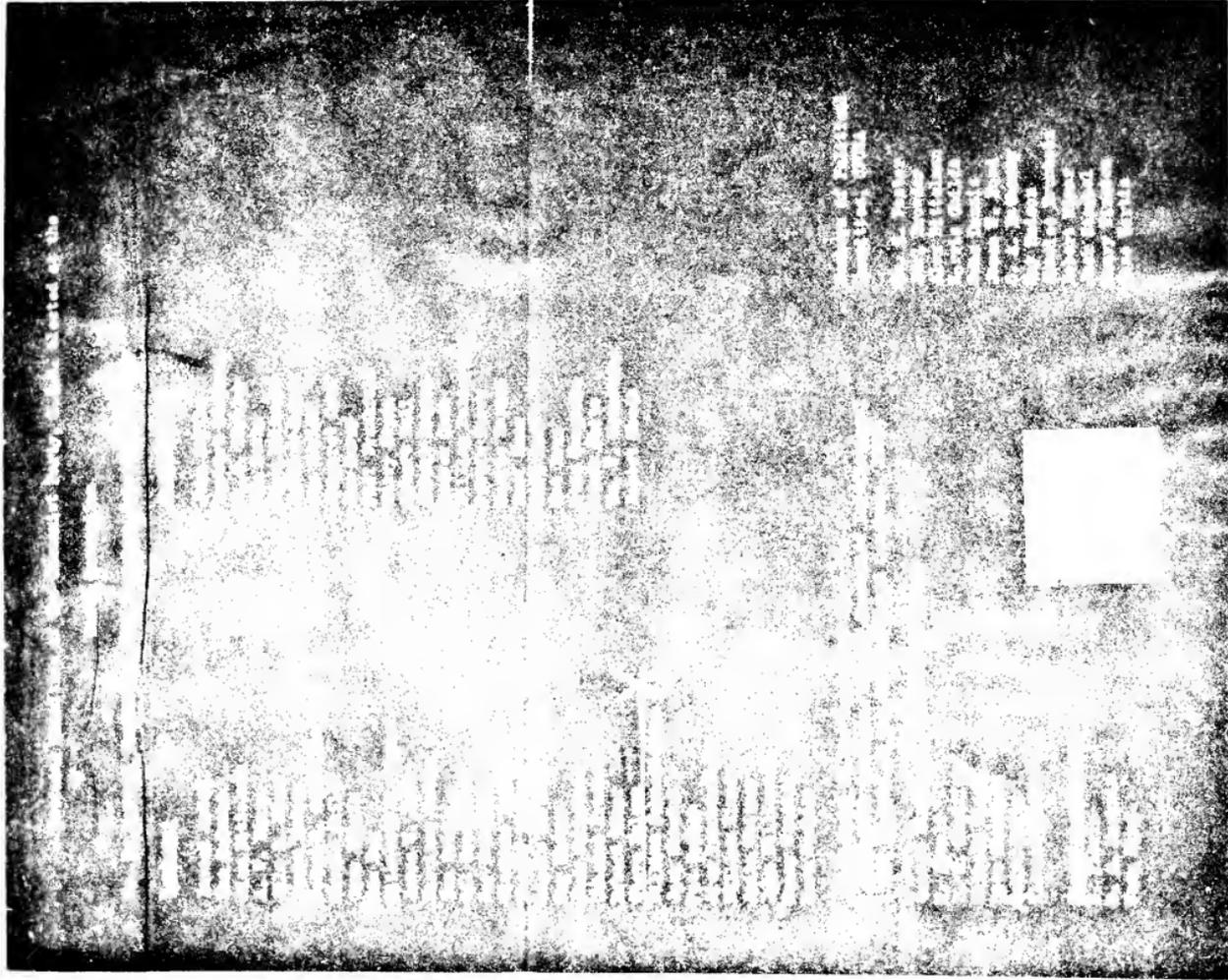
25:20  
TOPRA 100. 16

SECRET  
TOPRA 100-16  
(page 2)











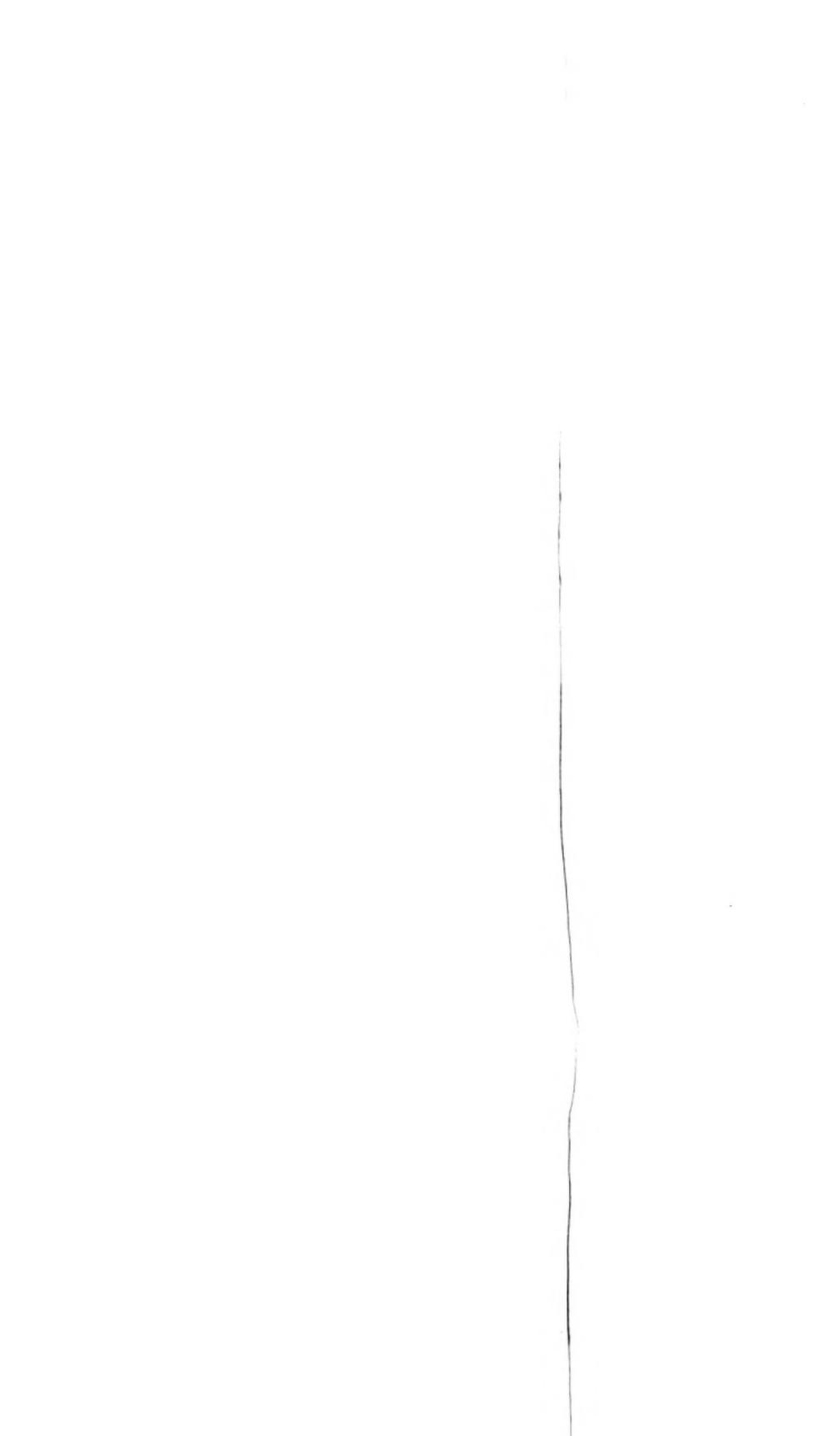
PROGRAM  
USA

THE PATH  
TO PEACE,  
PROGRESS  
AND  
PROSPERITY

Proceedings of the Constitutional  
Convention of the Communist  
Political Association ✓

New York, May 20-22, 1944

1944  
(1944)



NATIONAL COMMITTEE  
COMMUNIST POLITICAL ASSOCIATION

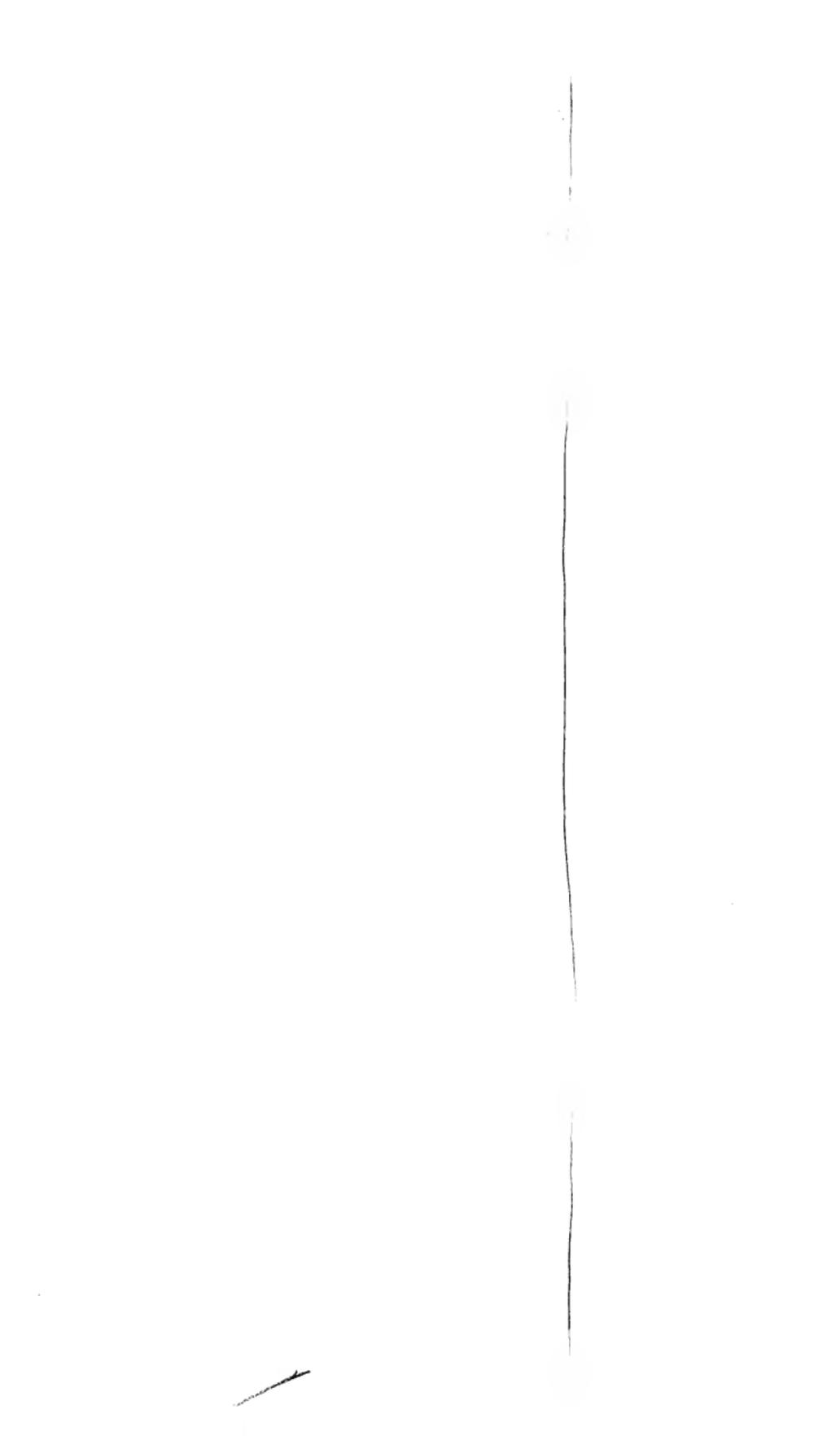
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\* On leave—placed in their absence





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