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*"Should the Un-American Activities  
Committee be Abolished?"*

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Republican, South Dakota

**CONGRESSMAN EMANUEL CELLAR**

Democrat, New York

**THEODORE GRANIK**

Chairman

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*Announcer: The American Forum of the Air, with Theodore Granik, its founder and moderator, is brought to you by Universal Carloading and Distributing Company, America's pioneer nationwide forwarder of less-than-carload fast freight.*

*Now, before we start tonight's forum here in the Shoreham Hotel in Washington, D. C., we are highly honored to present to you one of the nation's great statesmen, Senator Edwin C. Johnson of Colorado, new Chairman of the Senate Committee on Interstate and Foreign Commerce, which has congressional jurisdiction over all matters relating to radio and other communications. Senator Johnson.*

**SENATOR JOHNSON:** I am delighted, ladies and gentlemen, to see the oldest forum of the air on this, its twenty-first anniversary, using the new medium of television. My heartiest congratulations and good wishes to the American Forum of the Air and to Theodore Granik, its founder and moderator, and I know the public is grateful to Morris Forgash, President of the Universal Carloading and Distributing Company, the far-sighted sponsors of this program over many of these Mutual stations.

The American Forum provides a unique stimulation to the people of the nation, bringing as it does the opinion and views of men in government to every corner of the land. It is one of the best examples of democracy at work that we have. The millions of Americans who listen each week keep better informed and thereby become better citizens. In no other country and under no other system can both sides of vital issues be debated so freely and so fearlessly as here. Many of my congressional colleagues think of the American Forum of the Air as practically a quasi-congressional activity. Scores of distinguished members of the House and the Senate join with me in paying tribute to the fairness, the impartiality and the importance of the Forum, which is founded on the principle of free and open discussion of all sides of all issues.

President Truman himself has paid tribute in these words: "For his splendid public service in conducting these programs, the American people and the many members of Congress who have participated on the Forum owe Mr. Granik a debt of gratitude. The radio industry can be proud of this pioneer in the field of public service programs."

A happy birthday to you, Teddy, and to your American Forum of the Air.

*Chairman Granik: Thank you, Senator Johnson; thank you ever so much. On behalf of my patient and hard-working staff, we are deeply grateful to you.*

*And now to the subject of the evening. We are going to handle a red-hot issue. Should the House Un-American Activities Committee be abolished? Here to discuss it are two old Friends of the American Forum of the Air: Senator Karl E. Mundt, on my left, Republican, of South Dakota, who was recently elected to the United States Senate after years of service in the House of Representatives, where he was acting chairman of the House Un-American Activities Committee; and Congressman Emanuel Celler, Democrat, of New York, chairman*

*of the all-powerful House Judiciary Committee, who was a speaker on our very first Forum twenty-one years ago. It originated over WOR, Mutual's affiliate in New York, in 1928, and now in 1949 we are having our television debut over WOR's subsidiary here in Washington, WOIC.*

*And now, gentlemen, on with our discussion. Someone very kindly has provided us with a pumpkin. I don't find any microfilm in it, but here is a leading question for you, Senator Mundt. What is un-American?*

**SENATOR MUNDT:** Well, Ted, there is both a practical answer and a theoretical answer to that question. A great many things are un-American. I think intolerance, dishonesty, laziness, and wastefulness are all un-American. But for the practical purposes of this discussion, for the practical purposes of investigation from the standpoint of the House Committee on Un-American Activities, those things are un-American which represent a force or an organization in this country which is controlled or stimulated from abroad and which seeks to subjugate our freedom and our liberty to the control of any foreign power. That is what I mean when I talk about an un-American activity.

*Chairman Granik: Congressman Celler, how would you define it?*

**CONGRESSMAN CELLER:** I am glad to hear you, Karl, giving us your idea of un-American in the way you have done so. But the committee itself has never successfully adopted any kind of definition of "un-American." Apparently the term "un-American" has meant anything which the members of the committee have disagreed with. Some of the members have called Roosevelt un-American; some have called Truman un-American; some have called the Taft-Hartley Act un-American, social security un-American, the Federal Reserve Board un-American. In fact, they have called many things un-American just because they have disagreed with personalities or with laws or with departments, and that has been, to my mind, the most important of the complaints that have been registered against the committee because they have taken that attitude.

*Chairman Granik: What about those complaints, Senator Mundt?*

**SENATOR MUNDT:** Well, I think the thing Congressman Celler talks about is the great American principle of free speech. Of course, individual members of our committee have referred to individuals and individual organizations as un-American, but you have to judge a committee by its collective action, not by the individual comments or statements of members of the committee.

**CONGRESSMAN CELLER:** Of course, the whole is equal to the sum of its parts, and we can't dissociate the ideas of the committee from the ideas of its members. For example, the new chairman of the committee, Representative Wood of Georgia, has stated this: "After all, the Klan [the Ku Klux Klan] is an American institution. Its members are American. Our job is to investigate foreign isms and

alien organizations." He said that in 1946. Now, if he still persists in that idea and refuses to go into the machinations of this white-hooded brotherhood, I think that he is doing something himself which is un-American. Certainly he should get after the Ku Klux Klan just as much as he gets after communism or fascism or Falangism, because what the Ku Klux Klan stands for, to my mind, is utterly un-American.

SENATOR MUNDT: I concur completely, of course, in the theory that the Ku Klux Klan is un-American. It preaches intolerance, which is un-American. But as the committee is required to protect this country against perils from abroad, perils to overthrow the government, the committee as such naturally has to concentrate first of all on the dangers which are uppermost, and those are the dangers which I defined earlier, the organized conspiracies from abroad directed, controlled, stimulated, disciplined from abroad for the purpose of destroying America and subjugating it to a foreign dictatorship. When we have solved that difficulty, then I think we can work on a great many of our indigenous un-American activities.

CONGRESSMAN CELLER: I abominate communism just as much as Karl does, but in fettering out and in castigating communists, I do not wish to succumb, as did the committee, heretofore, to methods that invade the citizen's rights.

*Chairman Granik: I was coming to that, Senator. What about those rights? Should a witness be entitled to cross-examination, to have counsel?*

SENATOR MUNDT: The witnesses have always had counsel on the House Committee on Un-American Activities for at least the last seven years of its activity. Any witness coming to testify has the right to have counsel.

Answering the second part of your question, Ted, there is very definite reason why witnesses and their counsel cannot cross-examine each other before a congressional committee. We lack the authority of a court of law. The judge in a court of law can cite a recalcitrant witness for contempt of court and send him to jail; we have no such authority. Consequently, there must be some limitations. In the suggested reforms that Congressman Nixon and I proposed, we suggested cross-examination by written questions, which gives the witness all the rights that he could reasonably expect and prevents him from creating a scene which would destroy the entire decorum of the committee procedures.

CONGRESSMAN CELLER: Well, Karl, I don't think it is quite accurate to say you have always accorded witnesses the right to have counsel. When Bartley Crum appeared before your committee in connection with some of those accused in Hollywood, he was summarily told that he could not represent and act as counsel for anybody.

SENATOR MUNDT: You didn't quote my full sentence.

CONGRESSMAN CELLER: And Paul McNutt, white-haired former high commissioner for the Philippines, sought to appear as counsel for

Messrs. Warner and Mayer and the Motion Picture Association of America, and he addressed the chair:

"May I have the right of cross-examining?"

Mr. Thomas, who was then chairman of the committee, said, "No, you have not that right. You are no different from anybody else."

SENATOR MUNDT: In the first place, your statement about Paul McNutt proves my point. They did have counsel and the counsel asked the question as to whether he could cross-examine. The chairman said he could not, and I have given the reason why, that, because you couldn't maintain control of the situation.

As to the second part, I want to make the difference quite clear. Our committee does not propose, and never did propose, to give to people who appear before our committee and stand on their constitutional rights to refuse to answer questions the right to have counsel. If they come there agreeing to tell the truth, agreeing to cooperate and participate the way a witness should, they can have counsel. But if they say, "Because of my guilt I cannot testify," we do not feel that they should have counsel and be allowed to cross-examine other witnesses.

CONGRESSMAN CELLER: But, Karl, judging from the past and judging from the conduct of some of the members of the committee who made accusations and even sought out newspapers and fed them with accusations before even the person who was the subject of the accusation was called to task, I should think that individuals should have the right of counsel. The association of the bar of the City of New York and, I think, the American Bar Association have recommended that witnesses who are accused before the Un-American Activities Committee should have a right not only to be accompanied by counsel but should have the right to be advised by counsel, and they should have the right when they are accused to have their own counsel cross-examine witnesses, which they have a right also to ask the committee to summon, so that the arrangements and the proceedings will not be, as heretofore, one-sided.

*Chairman Granik: I was going to ask that question, Senator Mundt. Would you say that many innocent persons have been subjected to unfair treatment without an opportunity to protect their good names and reputations? For instance, take the case of Harry White, who was our Assistant Secretary of the Treasury.*

SENATOR MUNDT: I was acting chairman of the committee at the time Harry White was called to testify so I can speak with some conversancy on this question. After Harry White's name was mentioned, he waited ten days and then wired the committee saying he would like to appear before the committee. Within twenty-four hours after the time he wired us, we gave him the right to appear before the committee. He came there, gave his testimony, and was given an opportunity to answer all questions. He delivered a prepared statement from manuscript and went away with complete opportunity to clear his name of any charges Miss Bentley made.

CONGRESSMAN CELLER: I don't know whether you were in the chair. I think Representative Thomas was in the chair, and Mr. White sent a written communication up to Mr. Thomas, who was presiding, and he asked if he could be excused for five minutes because he felt ill. Thomas then took that confidential communication, read it to the other members of the committee, and gave the impression that Mr. White was weak and cowardly and didn't want to ask any questions, and he summarily refused to give this man who was dangerously ill an opportunity for respite, and a very short time after that, because of the shock, the man died. We don't want that. That is what I call un-American treatment.

SENATOR MUNDT: As a matter of fact, as the hearing showed, after he had testified for perhaps fifteen or twenty minutes, Mr. White asked if he could have five minutes respite, and he took the five minutes respite. The committee gave it to him, and we said, "You may have more rest if you need it." He said, "No, I feel equipped to go on."

CONGRESSMAN CELLER: Wasn't that after Chairman Thomas read that confidential communication which was meant for him and not for the public, because after all, Harry White didn't want the public to know he was suffering from the ailment?

*Chairman Granik: Congressman Celler, you are the new chairman of the House Judiciary Committee. Is the investigating power of Congress unlimited?*

CONGRESSMAN CELLER: The powers of investigation should be unlimited. The right of congressional inquiry must remain unrestricted. In the long run, the right of widest inquiry is rewarding and worth preserving. We have the Teapot Dome investigation; we have the Pecora investigation, leading to the SEC; we have the Truman war contract investigations. Such investigations are utterly necessary, not only for those purposes but to examine into election frauds and impeachment proceedings. But in the conduct of any investigation, it is quite essential to follow the rules of fair play. Now, the rules of fair play were not followed in many instances. I will give you just one instance. In the Hollywood investigation, Adolphe Menjou was permitted, without comment and without remonstrance, to cloak thousands of innocent Americans with communism by the astounding statement that anyone who attends a Paul Robeson concert and applauds is a communist. Now, that is a new low in witch hunting. I have attended Robeson's concerts and I have applauded because I was a lover of music. But just because I applauded does not mean I am a communist.

*Chairman Granik: Gentlemen, suppose we give our studio audience a chance to ask questions. But first, just sixty seconds for an important message.*

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*wide forwarder of less-than-carload fast freight, who tonight salutes America's pioneer radio forum on its twenty-first birthday. The American Forum has achieved a high place in the public esteem because it meets such a genuine need for open discussion of important issues. In the same way, the nation-wide forwarder fills a genuine need in the field of transportation, for he is an essential link in providing faster, cheaper and safer shipment of less-than-carload and less-than-truckload fast freight. Proof that Universal Carloading and Distributing Company succeeds in accomplishing this vital public service is the fact that over 200,000 regular shippers from coast to coast and border to border agree that it pays—for shipments commercial, to specify Universal. And now, back to our moderator, Mr. Granik.*

*Chairman Granik: Let's take the first question over there in the middle of the hall.*

CONGRESSMAN JERRY VOORHIS: My name is Voorhis.

*Chairman Granik: We are glad to have you here, Congressman.*

CONGRESSMAN VOORHIS: I would like to congratulate the American Forum of the Air on coming of age. I don't know about this television, though. I would like to congratulate my two colleagues. My question is addressed to Mr. Celler and has to do with the question: Should the committee be abolished? Don't you think that a congressional agency independent of the Attorney General should be retained to investigate anti-American activity since the House committee developed evidence of treason and espionage in the Hiss case after the Attorney General announced that it was closed?

CONGRESSMAN CELLER: I believe that the committee heretofore has unduly interfered with the activities of governmental agencies. It has unduly interfered with the FBI and the Department of Justice and with the Grand Jury investigation in New York. But aside from that and from the fundamental viewpoint, in the setting up of any kind of committee to investigate un-American activities, we must keep in mind what Justice Jackson said in the case of *West Virginia State Board of Education vs. Barnett* in 1943: "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein."

In the light of that enunciated principle, it is very, very difficult for any committee of Congress to investigate that which is unorthodox politically, just as it would be impossible to set up a committee to investigate that which would be unorthodox as far as religion is concerned.

Now, the committee has been reconstituted, but I still think the committee is going to be beset with many difficulties because the structure of the committee fundamentally and in principle is built more or less on quicksand.

SENATOR MUNDT: I would like to go back to the question that Congressman Voorhis of Ohio asked, because I think it is a highly

important question. The fact remains that the only time the House committee has interfered with government agencies is when we have refused to stop after a government agency has ceased its investigation. We continued our investigation until the pumpkin was located, and the State Department documents were found in that pumpkin. That is the reason why, of course, those who are protesting and protecting communists complain about the committee's activities.

CONGRESSMAN CELLER: I must counter. For example, President Truman has just been elected President of the United States. On September 22nd last, he said this of the committee: "By its irresponsible publicity, this committee has already done damage to the work of the FBI and other security agencies. Through its press-agent stunts for political ends, the committee has made confidential information available to the intelligence services of foreign countries, and with reckless disregard for the Bill of Rights has injured the reputations of innocent men." That is the word of the President of the United States.

*Chairman Granik: Let's take the next question.*

QUESTION: My name is Page. This question is to Senator Mundt. Should the Un-American Activities Committee be continued, what assurance do we have that it will receive closer cooperation from the law enforcement bodies and not have to depend so much upon publicity and public consent?

SENATOR MUNDT: As a matter of fact, we have had reasonably good cooperation from the law enforcement agencies. It is also important to keep in mind that the particular function of the House Committee on Un-American Activities is to do those things the grand jury cannot do and those things the FBI cannot do; in other words, such things as occurred when we had the confrontation between Whittaker Chambers and Alger Hiss, a public hearing giving an opportunity to bring into purview the evidence and the information available on this espionage case. The FBI can't do that; the Attorney General can't do that.

The question confronting Americans, therefore, is, do you want the espionage facts to be kept secret, or do you want a House Committee on Un-American Activities giving the public the facts whether they are pleasant or unpleasant?

CONGRESSMAN CELLER: I want to comment on that. I think the Un-American Activities Committee was not set up to uncover any espionage. The Un-American Activities Committee was set up to look into subversive and un-American propaganda whether it originated domestically or from foreign parts. It was never given jurisdiction to investigate anything of the nature of espionage.

SENATOR MUNDT: Don't you say espionage is un-American activity?

CONGRESSMAN CELLER: The committee was limited to propaganda. The House Judiciary Committee, of which I am chairman, will investigate espionage and treason and we will do that work. Now, the Un-American Activities Committee poached on our pre-

serves. The chairman of the Judiciary Committee did not protest, but the Un-American Activities Committee went beyond its jurisdiction and deprived the other committee of its rights.

SENATOR MUNDT: And I would like to add that somebody poached on those preserves and disclosed this pumpkin, or we wouldn't have found out about it yet.

CONGRESSMAN CELLER: I have some news for you, Karl. I have a pumpkin in my garden, and I dug it up and in it I had stored a copy of an extremely valuable and important government document. Ordinarily I would keep that treasure in a shrine, but pumpkins seem to be the order of the day. I am going to be so brash as to reveal some of the contents. It is the first ten amendments of our Constitution; it is our cherished Bill of Rights. I have it in my hand, and it guarantees free speech and thought. Will I get a subpoena in the morning?

SENATOR MUNDT: No, because you don't have what was classified as State Department information.

*Chairman Granik: Let's take the next question.*

QUESTION: My question is directed to Congressman Celler. I am from Kingston, New York. Don't you think the people of the United States should be apprised of these un-American activities so that these elements may be exposed through this committee?

CONGRESSMAN CELLER: I do believe that the committee might well disclose some of the things that were disclosed, such as the Hiss-Chambers matter. To my mind, that is the only constructive thing that the committee has done. But because of its excesses, because of its trampling upon civil rights, it is like the cow that gives the milk and then kicks the bucket over. I would do something else in that regard.

SENATOR MUNDT: You would shoot the cow?

CONGRESSMAN CELLER: I wouldn't shoot the cow, but I would preserve the milk and I would set up a subcommittee of the House Judiciary Committee as a committee on civil rights. Those rights have been trampled upon by the procedure of the Un-American Activities Committee. My approach would be an affirmative one, not a negative one. Its purpose would be to protect the nation and the individual against such philosophies as would destroy civil rights, against communism and Ku Klux Klanism and Falangism, which are a threat to our civil liberties. That is how I would approach it so as to protect civil rights.

SENATOR MUNDT: I would like to say something on that because I think it will be realized that the congressman from New York now is agreeing with me that we should continue the committee. He is only arguing whether he can do the job better than Congressman Wood of Georgia.

*Chairman Granik: We just have time for brief summaries. First, Senator Mundt.*

SENATOR MUNDT: I think the last statement pretty well sum-

marizes the positions. The congressman says the committee should be continued but under his auspices rather than those of Congressman Wood of Georgia. Now, I agree the committee has made some mistakes, but I would like to have Congressman Celler, in his statement, tell me whether in New York City he would destroy a fire department because it violates a few traffic ordinances on the way to putting out a fire. Our committee has made some errors, but we have discovered the greatest espionage case in America, have pointed the finger at those responsible, and we hope the Congress will pass legislation making that kind of sedition and treachery impossible in America in the future.

*Charman Granik: Thank you. And now, your summary, Congressman.*

CONGRESSMAN CELLER: I don't think that the new committee as now constituted, despite the addition of some very respectable names, is going to be too effective. Representative Walter from Pennsylvania and Representative Sweeney from Ohio, two new members, are very splendid, able gentlemen, but I think they are going to have their hands full. There is something inherently dangerous, even in the committee, and I have my fingers crossed as to whether or not that committee will succeed in its purposes. To my mind, when you have a boil, you don't cure it with a plaster; you must open it up and let the bad stuff come out. If there are bad opinions that have been expressed, let those opinions get current in the market so that they can be confronted with good opinions. The only way you can scotch communism, to my mind, is to let people know what communism is so that they can advance better opinions and better ideas and better forms of government so that they can kill communism. We can't do it by the methods that have heretofore been adopted by this committee.

*Chairman Granik: I am sorry, Congressman Celler and Senator Mundt, our time is up. I know our radio audience joins me in thanking you for being with us tonight and helping us to better understand this important issue.*

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