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**A Report on the Rapp-Coudert Committee:
Private Hearings -- January to March, 1941**

This is a report on private hearings conducted by the Rapp-Coudert Joint Legislative Committee investigating New York's public school system.

Accounts of mistreatment at the Committee, related to us indignantly by Union members, afford an insight into tactics at the private hearings.

Public hearings have been and are being conducted amidst an atmosphere of hysteria and sensationalism, to which the Coudert Committee itself, as well as the public press, has contributed no small part. It is well for all friends of the Union and of education to get a clear picture of the background of the private sessions on which these public hearings have been based. That is the picture which this report proposes to present.

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The Committee for the Defense of Public Education

Bella V. Dodd, Chairman

114 East Sixteenth Street

New York, N. Y.

Senator Coudert's Star Chamber

On January 8, 1941, the New York State Legislature renewed for another year the Rapp-Coudert legislative investigation of the State's public school system. Although the Committee had failed to present a report of its activities during the first year of its existence, the resolution extending its life was jammed through the day the Legislature convened. The sum of \$45,000 was later appropriated for the Committee's expenses.

How is this money to be spent? How will the Committee use the public trust and the public funds? Assemblyman Herbert A. Rapp, Committee chairman, proposes to adjust the Friedsam formula for apportionment of State aid to education in such a way as to freeze all future contributions to education under a ceiling established on the basis of the present hysteria. His amendments would prevent any extension of the State's appropriations for education. Mr. Rapp aims this blow at public education despite the fact that educators are almost unanimously agreed upon State funds as essential to the support of kindergartens, evening schools and adult education classes, all of which are, at present, financed exclusively from local real estate taxes.

Senator Frederic R. Coudert, Committee vice-chairman, in the meantime, continues his attempts to discredit the free public schools with his charges of "subversive." To this end, he has conducted literally hundreds of private hearings. Assisted by his chief aide, Committee counsel Paul Windels, and a staff of lawyers and investigators, Senator Coudert concentrates his attack on the schools and on the Teachers Unions.

Senator Coudert's principal weapon — the phrase "subversive" — has neither a clear-cut definition nor legal import. It is used as a smokescreen behind which enemies of public education, and of democracy itself, are operating. This is indicated in the following excerpt from an article in the New York Times, January 16, 1941:

"At one point (in Court of Appeals argument) Chief Judge Lehman asked Mr. Windels for a definition of what was meant by 'subversive activities,' and counsel for the Committee (Mr. Windels) answered that there

was no such definition in his brief. He said, however, that any encouragement or teaching of children to keep schools in a turmoil might be regarded as subversive."

Commenting on this, Dr. Bella V. Dodd, Chairman of the Committee for the Defense of Public Education, said:

"Apparently the Committee has been studying 'subversive activities' these many months without knowing what they are."

Coudertism Aims Its Attack At Educational Funds and Freedom

Senator Coudert offers no reasonable definition of the term "subversive activities," despite the fact his entire investigation is based upon it. Nevertheless he proceeds with his investigation. What his real objectives are may be determined from an analysis of the proceedings themselves.

Scores of private-hearing subpoenas have summoned teachers to Senator Coudert's inquisition chambers. In his attempt to discredit the free public colleges, Senator Coudert searches for a basis for discrediting the teachers. The very choice of witnesses is indicative.

Subpoenas for Brooklyn College teachers indicate the Committee's hope of finding substantiation for the thoroughly-discredited testimony of Bernard D. N. Grebanier, a Brooklyn College teacher, who appeared at the Committee's open hearings in December. In recent weeks the Committee has devoted most of its time to building up a similar case against City College.

Students at the public colleges are being called for questioning about their teachers and to disclose their activities on the campus. Attempts are made to intimidate students by asking questions pertaining to their private affairs. Former students are questioned about their work, attitude toward labor unions and political views.

The Coudert Method — Threat and Intimidation

A teacher or student subpoenaed by the Coudert Committee is commanded to appear at the Committee offices, 165 Broadway, New York City. There Counsel Windels and his staff, with a legislator, await them. When Senator Coudert is the legislator present at the hearings, it seems that

methods of counsel are particularly harsh and hostile. Witnesses who appear in the presence of up-State legislators complain less of mistreatment. Apparently this adaptation to the official audience is an attempt to convince up-State legislators that the Committee is not an inquisition.

The private hearing may begin with one of the following introductions:

1.—*“Cooperation” with the Committee*

If the witness appears amenable to “reason” he may first be taken into an ante-room by a member of Mr. Windels’ staff. The stenographer is dismissed. The investigator then offers friendly advice. The witness is told his summoning was “no accident”; that the Committee “knows all about him and his activities” and that he is now being given a chance to “co-operate.”

The investigator, becoming increasingly friendly, may dwell at great length on his inability to understand why persons won’t “confess.” He may elaborate on penalties accruing to those who don’t “cooperate with the Committee.” He may outline the advantages of “playing along” with the investigating committee rather than being guided by a “mistaken loyalty” to the Teachers Union.

This off-the-record conversation has no legal basis. It is an obvious attempt to catch the witness unawares and by suggestive questioning to lure him into making statements the Committee’s counsel wishes him to make. It is a private fishing expedition conducted under guise of a friendly conversation.

If the witness proves “recalcitrant” or suggests he is not interested in “off-the-record confessions” on subjects about which he knows nothing, the inquisitor becomes much less “friendly.” The witness is bullied and threatened. If he continues to insist that he has no “confession” to make; and that he is ready to testify in a legal manner and to the best of his ability, he is taken to the hearing room and the formal inquisition begins.

2.—*Threat and Warning*

In cases where the witness is considered “vulnerable” counsel to the Committee may dispense with off-the-record advice. The witness is taken directly to the hearing room and counsel begins to threaten him. The prospect of punishment for “perjury” is emphasized after each answer unsatisfactory to the Committee. Loss of jobs is cited as an imminent possibility.

The Committee refuses to credit the witnesses’ answers. Despite his avowals he is testifying to the best of his knowledge and ability, the witness is told he is lying. The inquisitors dismiss the stenographer and, off-the-record, remind the witness that “his future is at stake.” If this line is

futile, the stenographer is recalled and the succession of questions, threats and warnings continues.

3.—*Seeming Indifference—Trickery*

A third method of the Committee, in cases where trickery is prescribed, is wily dalliance. The witness is brought directly to the hearing room. The process of swearing in and the gathering of biographical detail is treated with indifference. While one investigator is questioning the witness another member of the staff may be reading the telephone book; another may be studying his finger nails.

If the witness refuses to be trapped into misstatement and proves "recalcitrant" because he lacks knowledge of matters referred to, the air of informality is banished. The inquisitor's voice becomes harsher; the questions are more direct; the form of the queries intimates hostility and suspicion. Members of the counsel's staff, who had been indifferent, change their tactics. They participate in earnest conferences, allowing the witness to overhear phrases calculated to intimidate them. They scrutinize documents as though checking their contents against statements made by the witness. If their efforts are unsuccessful, the Committee tries more direct methods.

Fear is a Weapon Essential to Coudertism

The Coudert Committee conducts its search for the "truth" by assuming every witness is lying. This assumption is used as basis for intimidation. Some witnesses are threatened with loss of jobs, scholastic rank and even personal liberty.

Many witnesses, after appearing in good faith and replying to questions to the best of their knowledge and ability, are told that their performances may have "ruined their careers."

A student who can't remember details is told: "Off the record. You know what this means. This is perjury." The student replied: "I refuse to discuss questions off the record." The inquisitor said: "We're setting the procedure here. You know you're liable to perjury charges. You're going straight to the D.A.'s office." (The witness was not taken to the District Attorney's office).

A teacher is threatened with discharge from his position because he can't recall all the details of meetings held years ago.

A woman is bullied and threatened until she leaves the room in a semi-hysterical condition and must be placed under a physician's care.

"Are you ready to go to jail for the Communist Party?" a witness is asked.

To another witness counsel says: "You're digging your own grave!"

Others are warned of the 'danger' of taking advice of their own attorneys and are advised, instead, to consult non-legal friends as to procedure before the Committee.

One witness was given the clear indication that if he "cooperated" and told what he knew—after he had insisted he had no information whatever on the subject—he would have his job long after those who might shun him for his "testimony" were fired. This witness gained the impression that if he made statements desired by Senator Coudert, regardless of their truth, he would be "protected" while those he named or discredited would be removed from the schools.

A witness who took notes (after having been refused transcripts of his testimony) was asked: "Why do you take notes?" The witness answered: "For my own information." The Committee counsel then asked: "Were you instructed to take notes? Do you plan to show these notes to anyone?" The implication was that there is something illegal in taking notes on one's own testimony.

One witness was told his testimony "made it difficult for the Committee to refrain from proceeding against his friends."

Few witnesses left the Committee hearings without the impression that they had been called, not to testify on what they know, but on what they "surmise" about others. Those who refused to "think" or "believe" were first threatened, then given time "to consider their testimony and return to amplify it."

A Typical Inquisition Of A Typical Teacher

The methods of Coudertism are best illustrated in the type of questions asked by the Committee's counsel. The following is the type of questioning which most of the witnesses found objectionable:

Witness: May I have the right to have my counsel present so that I can get advice on legal matters that may come up?

Counsel: No.

Witness: Will I be given a copy of my testimony?

Counsel: No.

(Questions on personal and Union activities are usually asked. Typical of the probing into "subversive activities" are the following).

Counsel: Have you ever marched in a May Day parade?

Witness: Yes. I remember one occasion when the Union voted to participate.

Counsel: Do you remember others who marched?

Witness: I don't remember anyone specifically. That was several years ago.

Counsel: Aren't you aware the May Day parade is a Communist event?

Witness: That's not my impression. It was my impression that it was a parade to commemorate the institution of organized labor and its ideals.

Counsel: Did the Union order you to march?

Witness: Of course not. The Union never orders its members to do things.

Counsel: Have you ever read the Daily Worker?

Witness: Yes.

Counsel: How often?

Witness: Once in a great while.

Counsel: What magazines do you subscribe to?

Witness: I don't subscribe to any. I usually get several at the news-stands.

Counsel: Do you read Imprecor?

Witness: I never heard of it.

Counsel: Have you ever read the "Communist?"

Witness: I have seen such a publication but I do not recall reading it.

Counsel: Didn't you ever pick it up and look it over to see what was in it?

Witness: Not that I remember.

Counsel: Were you afraid to look and see what was in it?

Witness: I have said that I cannot remember looking at it. I would not be afraid to look at it. Politics is not my field.

Counsel: Are you a member of the Communist Party?

Witness: No.

Counsel: Is your wife a member of the Communist Party?

Witness: Not that I know of.

Counsel: You say "not that I know of." Do you mean that she may be?

Witness: If my wife were a Communist Party member I think I would know it. I can only testify to my knowledge. I know that if my wife has joined the Communist Party—which I consider unlikely—I do not know it.

Counsel: Are you acquainted with any Communists?

Witness: Not so far as I know.

Counsel: Do you mean that you don't know which of your friends are Communists and which are not Communists?

Witness: I mean that I have no knowledge of any Communists among my acquaintances.

Counsel: Have you heard it said that any of your acquaintances are members of the Communist Party?

Witness: No.

Counsel: I am asking you if there isn't any rumor around the College, that has come to your ears.

Witness: None that I can recall.

Counsel: Did you ever attend a closed meeting of the Communist Party?

Witness: No.

Counsel: Well, if you did not go to closed meetings, what meetings did you go to?

Witness: I have said that I am not a member of the Communist Party. I have not gone to any of their meetings.

Counsel: Have you ever discussed Communism with anyone?

Witness: I suppose I have, but I don't recall any particular discussion.

Counsel: You have seen the publication "Teacher Worker," have you not?

Witness: Yes I have.

Counsel: How did you happen to receive it?

Witness: It came to me through the mail.

Counsel: And I suppose that, like all the others, you don't know who mailed it to you?

Witness: That is true. I found it in my mailbox.

Counsel: Did you ever sign a Communist Party nominating petition? (At this point, Counsel ostentatiously shuffles papers on desk before him).

Witness: Not so far as I can recall.

Counsel: (Continuing to shuffle) Do you have a pretty good memory?

Witness: I think I have.

Counsel: Have you ever invited anyone else to join the Communist Party?

Witness: I have told you that I do not belong to it myself.

Counsel: Have you ever been invited by anyone else to join the Communist Party?

Witness: No.

Counsel: Is your memory improving so that you can give definite answers now?

Witness: I am quite clear that no one ever asked me to join the Communist Party.

Counsel: Do you know Professor X?

Witness: Yes.

Counsel: How do you know him?

Witness: We were in the same class at high school.

Counsel: Have you ever been in his home?

Witness: Yes, on at least one occasion.

Counsel: Was any literature distributed?

Witness: You mean at my friend's home?

Counsel: Yes, I thought my question was perfectly clear. Please answer it.

Witness: No. No literature was distributed.

Counsel: Was it a meeting having anything to do with Spain?

Witness: No sir.

Counsel: Well, what kind of a meeting was it?

Witness: It wasn't a meeting at all. My wife and I simply went there to a New Year's party.

Counsel: Who else was present?

Witness: It was three years ago and I don't remember.

Counsel: Did you approve of the stand of the Communist press on Finland?

Witness: Well, I don't know enough about the subject to answer you.

Counsel: Do you mean that you refuse to answer the question?

Witness: No. Look, I'm trying to testify to the best of my ability. But I am not able to say whether I approve of a stand taken by the Communist press when I do not know what stand it took.

Counsel: You are managing to be pretty evasive. You can be cited for contempt for refusing to answer questions.

Witness: But I'm trying to testify to the best of ability. I just don't know anything about the stand of the Communist press on Finland.

Counsel: Do you agree with the principles of Marxism-Leninism?

Witness: I'm afraid you have to define the term.

Counsel: Well, do you agree with the principles of the Communist Party?

Witness: I'd have no objection to answering that, I assure you. But I simply don't know what you mean by "principles of the Communist Party."

Counsel: Do you recall certain strikes in the vicinity of the college where you teach?

Witness: Yes. I recall there was a strike on a newspaper and one in a restaurant.

Counsel: Do you know the names of any faculty members or students who participated in those strikes or helped foment them?

Witness: They were strikes of newspaper workers and waiters, as I understood them. I don't recall any teachers that had anything at all to do with them. I don't see why they should.

Counsel: Answer the question.

Witness: No. I don't know any teachers that had anything to do with those strikes. Nor students either.

Counsel: Did you ever use an assumed name?

Witness: No.

Counsel: Is there anything else about your connection with the Communist Party you want to tell the Committee about?

Witness: I've already told the Committee that I have had no connection with the Communist Party. I don't know anything about it. As a matter of fact I am disappointed at not being asked questions about college activities and college problems such as tenure, budget, appointments, promotions, qualifications, curriculum, with which I've had a good deal to do at the college.

Counsel: The Committee isn't considering those phases.

Students, Too, Face Inquisitions

One of the worst aspects of the Committee's tactics has been an attack on students, most of them minors. The following is taken from reports of the American Student Union as typical of the questions asked:

Counsel: Do you realize that you are here of your own volition?

Student: I was subpoenaed.

Counsel: Are you a member of the American Student Union?

Student: Yes.

Counsel: Why did you join the American Student Union?

Student: Because of its program for NYA. Many students want to come to college and can't afford to. Some of them don't have money for lunches and carfares, for books and laboratory work. These students want jobs. The American Student Union led a big campaign for NYA and for that reason I joined.

Counsel: Do you know the American Student Union is said to be Communist dominated?

Student: I've heard that. All I know is that the constitution of the A.S.U. says that anyone who signs a membership card and pays his dues is a member. Our elections are held at open meetings.

Counsel: Are you a member of the Young Communist League?

Student: No.

Counsel: Have you ever been asked to join?

Student: No. I haven't.

Counsel: Are you sure you aren't a member of the Young Communist League?

Student: Sure.

Counsel: Do you want me to go out and ask your father?

Student: Of course. I wanted my father to come in here with me but you wouldn't let him.

Counsel: What did you discuss at meetings of the Young Communist League?

Student: I never was at a meeting. I'm not a member.

Counsel: Then what did you discuss at meetings of the American Student Union?

Student: Routine student problems. They were all open meetings.

Counsel: Do you know Hal Lazikof?

Student: No.

Counsel: Lizikof?

Student: No.

Counsel: Lozikof?

Student: No.

Counsel: Izikof?

Student: No.

Counsel: Just a minute. I'll check on the spelling. (Leaves the room and, in a few minutes, returns) Ozikof?

Student: No. If I knew that person, I'd certainly recognize him by now.

Counsel: If I had more questions to ask you would you come down without a subpoena?

Student: Well, I'm willing to answer any questions.

Counsel: This is off the record. We don't want you to think the only

function of the Committee is to pry into other people's lives. We don't want you to go away with any misgivings about the Committee.

Student: I'd like to say something about that. As a member of the American Student Union, and I know that the whole American Student Union feels this way, I would not only cooperate with but work hard to assist an investigation which would really serve the students of New York. We would welcome an investigation of lack of facilities, overcrowded classes, attempts to limit academic freedom . . .

Counsel: We haven't come to that yet.

Coudertism's Objectives —

Wielding the Red Paint Brush

Consideration of the Committee's tactics shows clearly that Senator Coudert, armed with his Red paint brush, has dedicated himself to the task of discrediting the schools. When he has accomplished this, presumably, the basis will have been laid for cuts in funds for education.

Senator Coudert, apparently, arrived at his conclusions before he had discover any facts to support them. Now he attempts to force his witnesses to help him prove "conclusions" which the facts will not bear out.

Senator Coudert hoped to prove that the schools are "subversive". During the first series of open hearings Senator Coudert not only did not succeed in showing, he did not even attempt to show, that the alleged political background of the people most referred to had any relevance to their work in the classrooms.

In the effort to inject even the *word* communism into closed hearing testimony, the inquisitor asks: "Have you ever discussed communism with anyone?" The witness shakes his head. "But surely," the questioner says, "surely you must at least have *discussed* communism with some one."

Members of Senator Coudert's legal staff attempt to read "Red" phrases into the record in such a way as to connect them with activities of the witness. They say: "Did you class-angle your speech?" The witness replies: "Class angle? What is that?" The inquisitor feigns surprise: "Do you mean to tell me you have never heard of the class struggle?" The witness says: "Oh, yes. But I don't understand the use of that phrase in reference to my speech."

Nor is Coudertism too concerned with accuracy of material it seeks to draw from witnesses. Discussing a May Day parade in which labor unions

participated in commemoration of the eight-hour day movement, counsel asks: "Will you name others who marched in that parade?" The witness answered: "I really don't recall any. After all, that parade occurred several years ago." The questioner says: "Don't evade the question." The witness replied: "I assure you that I have spoken truthfully to the best of my knowledge. Where I have shown a reluctance in naming people it is solely because I am not sure of identities." The inquisitor is insistent. He says: "Well, tell us whom *you vaguely recall* having been at the May Day parade."

The Committee's eagerness to have even doubtful allegations put into the record is also illustrated in such oft-repeated questions as: "Isn't so-and-so a Communist? Don't you know *any* Communists? Didn't you ever *bear* of anyone having been a Communist? Were you ever asked to join the Communist Party? Did so-and-so ask you to join the Communist Party?"

What is the purpose of this line of questioning?

Dr. Harry F. Ward, professor at Union Theological Seminary, has suggested an answer:

"Who uses this technique of the red-scare? Look back in history and at any period of social change—it is always the major technique of those who have interests to defend and those who are afraid of social change. In the case of the Rapp-Coudert Committee the evidence is clear that the people who plan this whole proceeding know that they could not put through their program of cutting the budget for the schools of this State, of lessening and eliminating free public education unless they could weaken the Union which, they said, had frustrated their efforts up to now.

"That is their end—to so confuse the people by this charge of 'Red' that they can then get the people to tolerate the putting through of their program to limit, and in the end destroy, our free educational system in this State."

Charles J. Hendley, President of Local 5, Teachers Union of New York, while combatting the efforts of Coudertism to discredit the schools, told the Committee:

"I want to emphasize the fact that our organization is thoroughly democratic in the way in which it is organized and in the manner in which it functions.

"It is necessary to say this and emphasize this because a persistent attempt is being made to besmirch us as an un-democratic, un-American and subversive organization. I deny emphatically the charge that your prosecutor, Mr. Windels, is laboring so hard to establish. The whole history

of the Union, its avowed principles enunciated in its constitution and in a hundred other ways, and its day to day work, year after year—all constitute a most emphatic contradiction to the charge . . .

"In other words, we are engaged in a constant struggle to promote democracy in the schools, not in trying to indoctrinate the children with alien issues. We challenge your prosecutor to show that we have been engaged in anything else."

A Summary of Coudertism — An Attack on Education

Consideration of methods used by the Coudert Committee in conduct of its private hearings again raises this vital question: What is the Committee's real goal?

The State Legislature told the Committee to determine "the extent to which, if any, subversive activities may have been permitted to be carried on in the schools and colleges of such educational system."

The Teachers Unions say:

The objective of Coudertism is to dump buckets of Red paint on education and on one of its staunchest advocates, the Teachers Unions. The Committee is doing this in an effort to provide the basis for crippling New York's educational system by cutting the budget, curtailing free higher education and destroying the principles of academic freedom.

It is evident that the Committee is not investigating the needs of public education. It shows no interest in or concern for the constructive classroom and professional work of the men and women called before it or for their contribution to the welfare of the college. It refuses to listen to or do anything about the needs of the students or the serious college problems which still remain to be solved. What it is concerned with—apparently to the exclusion of everything else—is an attack on the outstanding leaders of the Teachers Unions.

In the face of the Rapp-Coudert attack on education, the Teachers Unions reaffirm their determination to defend the full academic freedom of every teacher in every school and college in New York. The Unions reiterate their endorsement of the principles of academic freedom as they were defined by the American Federation of Teachers at its convention in 1939:

- "1. Freedom to present and discuss fully in classrooms, lectures, publications, or in other media of expression, relevant materials of a

controversial nature, including problems in the fields of labor, international relations, the natural sciences and the social sciences. We shall defend the right of a teacher to express his own opinions in the classroom, provided that he exercises proper discretion with regard to age levels and clearly indicates that these are personal opinions.

- "2. Freedom of the teacher to live his personal life and conduct himself in private with the freedom accorded other citizens.
- "3. Freedom to participate in community life and particularly in the political life of the community with the same rights and privileges as other citizens.
- "4. Freedom of the teacher to conduct research and to publish the results of such research in any field of his choice.
- "5. Freedom to join any organization, group or association of his own choosing, whether it be concerned with social, political, economic, religious or other affairs."

TO COMBAT COUDERTISM . . .

- 1—Write to your legislators. Urge them to support the Zimmer Bill (Assembly Introduction number 487) which would prohibit seizure of trade union membership lists, and the Catenaccio bills (Assembly Print 294, Assembly Print 295) which would guarantee legislative investigation witnesses right of counsel and copies of their testimony.
- 2—Urge your legislators to end the un-democratic procedures of the Coudert Committee.
- 3—Ask your legislators to support full State aid for education. Protest the waste of State funds being used to support Coudertism.
- 4—Explain the threat of Coudertism at meetings of your clubs, civic organizations, labor unions. Arrange with the Committee for Defense of Public Education for scheduling of speakers at your meetings.

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