

FILM INQUIRY SEEKS CONTEMPT CITATION ON DEFIANT WRITER

House Group Acts as Lawson
Fails to Answer Question on
Whether He Is a Red

JOHNSTON HITS INQUIRY

Urges Committee Not to Put
the Finger of Suspicion
on Innocent Persons

By **SAMUEL A. TOWER**

Special to THE NEW YORK TIMES.

WASHINGTON, Oct. 27—The House Committee on Un-American Activities, ruling that John Howard Lawson, screen writer, had refused to answer whether he belonged to the Communist party, moved today to bring a citation of being in contempt of Congress against him.

Meanwhile, Eric Johnston, president of the motion picture association, told the committee to "expose communism, but don't put any American who isn't a Communist in a concentration camp of suspicion." He said that the motion picture industry should retain the right "to decide what will or will not go into our pictures."

It was a day for statements as the committee opened the second week of its inquiry into alleged Communist penetration into the film industry. Mr. Johnston presented one scoring the committee for the course of its investigative procedures. The committee, after briefly questioning Mr. Lawson, read into the record a memorandum, containing thirty-five points and running over 5,000 words, on the Communist affiliations of the writer.

Clashes Also Mark Hearing

The hearing also produced a sequence of clashes, first in the morning when Mr. Lawson punctuated his answers with accusations of abuse of his constitutional rights and criticisms of the committee, then again in the afternoon when Mr. Johnston made plain his disapproval of the methods pursued by committee investigators and the "intimidating" questions offered by some of the committeemen.

Representative J. Parnell Thomas, Republican, of New Jersey and chairman of the committee, accused Mr. Johnston, and through him the industry, of failing to cooperate with the committee and asserted that "prominent" persons wished the group "to lay off or postpone" its inquiry. He coupled with this an implication that investigators had received "all the signs of an offer" for information about the investigation in the course of their work.

These accusations were promptly denied by the motion picture executive, in one of the many vigorous exchanges between him and the committee members and its staff.

The committee, after a fifteen-minute executive session, unanimously overruled a motion, submitted by counsel for Mr. Lawson and eighteen other subpoenaed witnesses, that the subpoenas be quashed. The motion, based on the committee's constitutional jurisdiction, was presented by Robert W. Kenny, former attorney general of California, and Bartley Crum, a lawyer.

The committee's ruling, joined with the prospective contempt citation that would go before a Federal court, presaged a long battle, ultimately expected to reach the Supreme Court, over the right of

Continued on Page 28, Column 2



John Howard Lawson, screen writer, testifying shortly before he was dismissed from the stand.



Chairman J. Parnell Thomas rapping for order during questioning of Mr. Lawson. Beside him is Representative John McDowell.

The New York Times (by Tames)

FILM WRITER FACES CONTEMPT ACTION

Continued From Page 1

inquiry into the political beliefs of an individual and the rights established by the first amendment to the Constitution, Article I of the Bill of Rights. This area has not been clearly defined by the highest court.

Although Mr. Johnston was scheduled as the first witness, the committee unexpectedly called Mr. Lawson who took the stand after Mr. Kenny's motion and another by Mr. Crum for permission to cross-examine previous witnesses were considered and dismissed.

Mr. Lawson, short and stocky, with a slight limp, dressed in brown tweeds, was sworn and sought permission to read a statement. After the chairman examined it, he said that on the basis of the first sentence alone that the statement would not be read. Mr. Lawson vigorously protested against this decision.

He then answered a series of questions as to his name, profession and membership in the Screen Writers Guild. He combined his replies with remarks, such as an invasion of his rights as a citizen and the committee's "Hitler technique of creating a scare."

"You will have to stop," stated the Chairman, repeating earlier requests that answers be confined. "Otherwise you will have to leave in contempt, and you know what happened to witnesses found in contempt."

Mr. Lawson was then asked, and asked several times more, whether he was now or had been a Communist.

The writer never directly answered this question nor did he specifically assert his refusal to answer it, but replied each time with long assertions about his constitutional grounds as a citizen and the irrelevancy and illegality of the question.

Told to Leave Stand

After a series of questions and answers, with the chairman and the witness talking simultaneously at times, Mr. Lawson was directed to "stand away from the stand." As he returned to his seat, he was greeted by a mixture of boos and applause.

Staff members then read into the record the thirty-five points of "information from the files" of the committee to support its characterization of the writer as "one of the most active Communists in the Hollywood movie industry."

In addition, a committee investigator testified that he had obtained copies of the Communist party's registration cards, and that one was made out to a John Howard Lawson of the same address and occupation as the witness, and that it was numbered 47,275.

The memorandum cited the affiliation of John Howard Lawson with The Daily Worker, official party organ, and other party publications; his sponsorship of and participation in many organizations that were designated as Communist front groups and his closeness to communism by quoting from an article he wrote in New Theatre magazine, which contained these words:

"As for myself, I do not hesitate to say that it is my aim to present the Communist position and to do so in the most specific manner."

After the reading of the memorandum, Mr. Thomas said that the three committee members present considered Mr. Lawson in contempt of Congress for refusing to answer as to Communist membership, and that such a recommendation would be made to the full committee.

Committee aides stated that the citation would then have to be certified by the Speaker of the House who could then turn it over to the United States Attorney for the District of Columbia for prosecution before a jury. Conviction carries a penalty of as much as a \$1,000 fine and a year in jail.

Mimeographed copies of the statement that he was not permitted to read were distributed by Mr. Lawson. "Rational people don't argue with dirt," it began, and ended as follows:

"I am not suggesting that J. Parnell Thomas aspires to be the man on horseback. He is a petty politician, serving more powerful forces. Those forces are trying to introduce fascism in this country. They know that the only way to trick the American people into abandoning their rights and liberties is to manufacture an imaginary danger, to frighten the people into accepting repressive laws which are supposedly for their protection."

Mr. Johnston told the committee that "I believe that when this committee or any other agency undertakes to expose communism it must be scrupulous to avoid ty-

ing a red tag on innocent people by indiscriminate labeling.

"It seems to me that it is getting dangerously easy to call a man a Communist without proof or reasonable suspicion. When a distinguished leader of the Republican party in the United States Senate (Senator Robert A. Taft of Ohio) is accused of following the Communist party line for introducing a housing bill, it is time, gentlemen, to give a little serious consideration to the dangers of thoughtless smearing by gossip and by hearsay."

Emphasizing that he was "heart and soul" for the exposure of Communists, for "an exposed Communist is an unarmed Communist," but "in the traditional American manner," Mr. Johnston warned that "when just one man is falsely damned as a Communist in an hour like this when the Red issue is at white heat, no one of us is safe."

After stressing that "nothing was more feared or hated in Communist countries than the American motion picture," and that the industry had not and would not permit subversive propaganda in films, Mr. Johnston raised the issue of freedom of expression and enunciated the industry's position as follows:

"You don't need to pass a law to choke off freedom of speech or free speech or seriously curtail it. Intimidation or coercion will do it just as well. You can't make good and honest motion pictures in an atmosphere of fear.

"I intend to use every influence at my command to keep the screen free. I don't propose that Government shall tell the motion picture industry, directly or by coercion, what kind of pictures it ought to make. I am as wholesouledly against that as I would be of dictating to the press or the radio."

He called on the committee to correct the "damaging impression" that would give the public "the idea that Hollywood is running over with Communists and communism" and to cite by name the movies allegedly containing Communist propaganda. He insisted that statements "that some of the most flagrant Communist propaganda films were produced as the result of White House pressure" had been "completely" refuted and should be publicly corrected.

Positive Program Urged

"Revolutions plotted by frustrated intellectuals at cocktail parties won't get anywhere," Mr. Johnston said in calling for a "positive program" as the best "antitoxin for the plague of communism which hunts misery, feeds on misery, and profits by it."

Questioned as to his knowledge of communistic influence in Hollywood, Mr. Johnston said that he had heard reports, but since he was not on the investigating committee he was unable to present substantiated evidence.

"From the statement you have been making you certainly have been trying to run it [the committee]," he was told.

The chairman then censured Mr. Johnston for the industry's lack of cooperation and made the following points:

"Prominent" people had sought suspension or delay of the hearing.

Persons, "some of dubious character," had asked that some witnesses not be called.

Others had tried "all tricks of the trade," including "all the signs of an offer," to find out the committee's plans.

The counsel for the industry, Paul V. McNutt, had been issuing "statements on the hour and off the hour."

Offered Plan to Producers

Mr. Johnston testified that he had put before the Association of Motion Picture Producers a three-point program incorporating these provisions: insistence on a fair hearing with no "script-burning" and "witch-hunting;" agreement by producers not to employ "proven" Communists in positions influential in Hollywood "because their allegiance and loyalty was to a foreign power," and employment of the former Secretary of State, James Byrnes, as a special counsel to advise the industry.

The second point was not accepted, Mr. Johnston said, on the ground that it constituted a potential conspiracy to deprive individuals of livelihood; that there could be no proof of communism or determination of methods to be used in ascertaining Communist bonds, and that there was a basic responsibility upon Congress to determine the status of a member of the Communist party and to define his legal and political position.

Mr. Johnston rejected questions by the committee's chief investigator implying that Mr. Byrnes had withdrawn from his representation of the industry because of his absence at the hearings. The witness said that Mr. Byrnes, on being retained by the industry, had stipulated that he would make no Congressional appearances.

Mr. Byrnes subsequently issued a statement, which said:

"Having announced I would not appear before a legislative committee, representing any person or

organization, there certainly is no mystery about my not appearing before this committee."

In response to questions, Mr. Johnston acknowledged that one of his aides, Edward T. Cheyfitz, had in 1932, at the age of 18, joined the Communist party, but that Mr. Cheyfitz had broken with the Communists late in 1939.

Film Censorship Alleged

The motion to quash the subpoenas of certain witnesses had been offered last week, but Mr. Kenny, in renewing it today, maintained that the hearings of last week showed that the committee was attempting to exercise film censorship and to establish a "blacklist" in the industry. He said this was bolstering the unconstitutionality and illegality of the committee, basically on the ground that the Bill of Rights specifically barred Congress from enacting bills affecting opinion, religion or political liberty.

Mr. Thomas, in rejecting the motion, said that the committee had no right to establish its own legality or constitutionality or disqualify itself once established by law, and told the petitioner that "your remedy is in the courts."

A group of film personalities, including Lauren Bacall, June Havoc, Evelyn Keyes, Jane Wyatt, Marsha Hunt, Humphrey Bogart, Danny Kaye, John Garfield and Paul Henreid, attended today's session as representatives of the Committee for the First Amendment. This newly organized group is devoted to upholding freedom of expression on a non-political basis and is opposed to the investigative procedures of the committee.

The group sat silently, without any demonstration during the hearing, only leaning forward to hear better from their places far to the rear of the room.

During a noon press conference, however, the actors and actresses maintained that their position was that a man accused of communism should have the opportunity to reply, and that they had flown from Hollywood to defend, not individuals, but the principles of privacy for the political opinions of the individual.

Mr. McNutt made public a letter to the committee chairman requesting that Samuel Goldwyn, studio head, who has been subpoenaed by the committee but not yet called, be summoned to the witness chair.