

The Court-Martial of Joseph Kriss



*Based on a 1955 transcript of official
proceedings of the United States Navy
convened by Captain Otto C. Schatz, Jr.*

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IMAGE CREDITS

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EXPLANATORY NOTE

A *court-martial* is a criminal trial for members of the military who are accused of committing crimes, including desertion, mutiny, treason, and insubordination. The process mirrors a civilian criminal trial, presided over by a board of military officers coordinating with a military prosecutor, and a defense attorney representing the accused. The board is authorized to impose penalties including imprisonment or dishonorable discharge.

The Court-Martial of Joseph Kriss

Joseph Kriss, born in 1919, was raised in rural Pennsylvania by his Russian immigrant parents. His father, Max, became the first Jewish professor at Pennsylvania State College, and as an only son, Joe was both pampered and expected to work hard in school and practice his violin lessons. One winter a sled accident pierced a dime-sized hole in his skull. When the broken bone was surgically removed, a depressed soft spot remained on the top of his head.

At the age of seventeen, Joe entered Penn State and quickly graduated *summa cum laude* three years later. During his college years he roomed at home and spent most afternoons playing pinochle with his mother. He entered Yale University Medical School in 1939, and during his third year applied to join the Army's Medical Administration Corps. He was rejected for physical reasons, namely the hole in his skull.

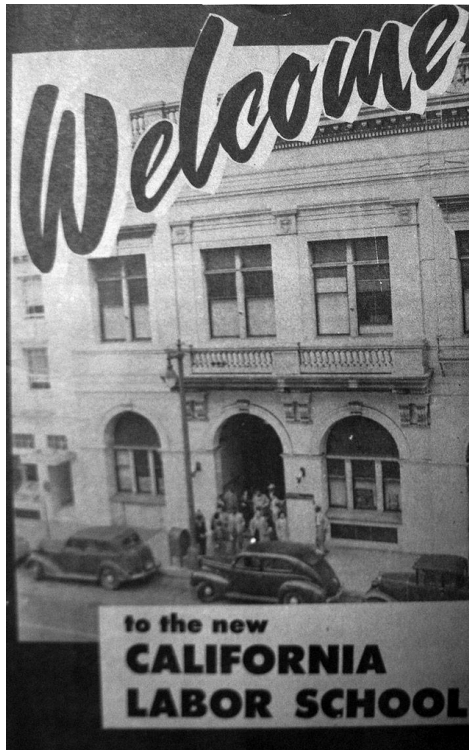
In the aftermath of the Japanese attack on Pearl Harbor in December 1941, all Yale medical students were granted temporary commission in the Medical Corps without the need for a physical examination. As a 1943 *cum laude* graduate ready to start medical practice, he then applied to transfer his temporary commission to active duty in the Regular Army Medical Corps but was, once again, rejected for physical reasons. Unable to join the war effort directly,

he joined the Navy Reserves and completed his training in internal medicine as World War II drew to a close.

As a major post-war confrontation with the Soviet Union became politically obvious along with documentation of substantial Soviet domestic spy operations, President Truman issued Executive Order 9835 on March 21, 1947 that required all federal civil-service employees be screened for "loyalty", including any evidence of "membership in, affiliation with or sympathetic association" designated by the attorney general to be "totalitarian, fascist, communist or subversive". A "red scare" paranoia soon permeated the political system, led by the opportunistic Wisconsin senator Joseph McCarthy.

Joe married Regina Tarlow, also the daughter of Jewish Russian immigrants, in June 1948 and settled into a modest San Francisco apartment located at 2429 Turk Street in preparation for their first child. Several blocks away on Golden Gate Avenue, the California Labor School had just moved into new facilities offering shop tools, materials, and classes for eager do-it-yourselfers. Joe, who had an interest in art, decided to build something useful for their new home to save money. With the help of an inexpensive woodworking course, he successfully completed a small mahogany table.

The California Labor School had become a political target due to its progressive labor agenda, but as a new arrival, Joe was unaware of the controversy.



California Labor School new facility poster circa 1948

Walter S. Steele, a promoter of conspiracy theories and leader of the American Coalition of Patriotic Civic and Fraternal Societies (whose slogan was “Keep America American”), testified before the House Un-American Activities Committee that Frank Oppenheimer, a particle physicist and younger brother of the renowned J. Robert Oppenheimer (the scientific leader of the Manhattan Project to develop the first atomic bomb), had taught “atomic energy” at the school.

Following this congressional testimony, the IRS removed its tax-exempt status while the California Attorney General listed the school erroneously under its prior address on Turk Street as a “subversive” institution, eventually triggering FBI surveillance.

On February 9, 1950, Senator McCarthy, in a speech to the Republican Women's Club of Wheeling, West Virginia, famously brandished a piece of paper and claimed: "I have here in my hand a list of 205 — a list of names that were made known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping policy in the State Department." McCarthyism was born; hysteria soon enveloped the political landscape.

Apart from its primary focus on the danger of Soviet espionage, McCarthyism embraced a number of populist themes, including opposition to newly developed polio vaccines and government-mandated fluoridation of water, as well as strong condemnation of foreign immigrants, especially those with family roots in Russia. There was liberal political counter-reaction as well. The Citizens Committee to Preserve American Freedoms (CCPAF) was formed to oppose the House Committee on Un-American Activities (HUAC), arguing that First Amendment rights were violated when citizens were forced to testify about their political beliefs and associations. This free speech perspective was especially popular on college campuses among students and faculty, particularly in the Bay Area when University of California trustees imposed faculty loyalty oaths.

Meanwhile, Joe was working part time as a clinical instructor at the Stanford University School of Medicine while struggling to manage a private practice in downtown San Francisco. Along with many of his academic colleagues, he signed a CCPAF petition opposing the HUAC's methods of impugning a citizen's loyalty without due process.

Although still in the Navy Reserves, he was not subject to an active duty draft due to a paternity deferment for married men. This deferment, however, was rescinded by President Eisenhower in mid-1953 as part of the burgeoning needs of the Cold War; shortly thereafter Joe received a draft notice for active duty as a Lieutenant in the U.S. Navy Medical Corps.

A six-month transition time was customarily provided to older medical draftees with family obligations. Joe's substantial medical experience gained since the end of World War II entitled him to a higher rank, so he formally applied in early 1955 for appointment as a Lieutenant Commander; the higher base salary would help support his family, including three young boys, during what could be a 24-month deployment overseas.

In May 1955, pursuant to an instruction issued by the Secretary of the Navy, Joe was informed that a hearing, convened by the Commandant of the Twelfth Naval District, would determine whether his service in the Navy was "consistent with the interests of national security". Instead of an expected (and routine) promotion to Lieutenant

Commander, this military summons, a court-martial, demanded he appear to answer charges of disloyalty and treason against the United States of America. He could be dishonorably discharged and potentially incarcerated.

Joe engaged a local attorney, Ralph Wertheimer, who specialized in medical malpractice defense but had no military court experience. After formal court filings, a board hearing conducted by four senior Navy officers commenced on July 28, 1955 at the headquarters of the U.S. Naval Station on Treasure Island located in San Francisco Bay.



Headquarters of the U.S. Naval Station, Treasure Island

The following is based on an official transcript produced by Navy reporters of a Treasure Island U.S. Naval Station court-martial conducted by Captain Otto C. Schatz, Commander W.D. Hantleman, Commander H.H. Haeussler, and Commander J.P. Gleeson on July 28, 1955 at 0944 hours.

COMMANDER GLEESON OPENING STATEMENT

Dr. Kriss, this Board has been convened by the Commandant of the Twelfth Naval District, pursuant to an instruction issued by the Secretary of the Navy, for the purpose of affording you an opportunity to present to the Board any material or matter for its consideration in recommending whether or not your service in the Navy would be consistent with the interests of national security.

DIRECT EXAMINATION - RESPONDENT'S COUNSEL

Q: Dr. Kriss, with reference to your attendance at the Labor School, when did you arrive in San Francisco?

A: October of 1948.

Q: And when did you start taking this course in woodworking at the school?

A: To the best of my recollection, in November or December of 1948.

Q: Had you been in San Francisco long enough to become acquainted with any odious reputation that the California Labor School may have had with respect to being a communist front or anything of a subversive organization?

A: We had only been here a month or so, and I think not sufficient time to become acquainted.

Q: And did you know whether or not there were any other facilities offered by the public schools in San Francisco where you could get courses in woodworking without charge?

A: No, not to my knowledge; there were no other places. Where I come from, it was not the custom for public schools to offer courses. Since then, I have heard that public schools do offer training courses.

Q: And the financial consideration was a matter of the first importance to you at this time; you were newly married?

A: That's correct.

Q: And what were the financial arrangements with the school?

A: Well, I don't recall what the registration fee was. I think it was somewhere under ten dollars, possibly under five. The only other additional cost was for the charge of materials. It amounted to \$24 for a plank of mahogany.

Q: On this matter of the Labor School, briefly, Commander Gleeson read in your letter (a previous formal response to questions from the Navy) that when you applied for a commission you didn't mention the Labor School because of the list that accompanied the application which gave a specific address; is that correct?

A: Yes.

Q: And you assumed that that was a particular organization and the address designated that particular organization?

A: Yes.

Q: I might call the Board's attention to the fact that accompanying the letter of June 8th is a rather lengthy, several-paged mimeographed list of organizations named by the Attorney General and although it is a different address, the only organization that is identified with an address is the California Labor School. Now, continuing, just to supplement your letter, with regard to your name being on a list put out by the Independent Progressive Party, you don't know how your name got on there; is that correct?

A: That's correct.

Q: And did you ever attend any meetings of the Independent Progressive Party?

A: No.

Q: Did you ever give them any financial support?

A: No.

Q: Did you or do you support the views they advanced?

A: No.

Q: In 1952, I think at that time they had a candidate for president. Did you vote for or support that candidate?

A: No. I recall that I think Hallinan was running on that party, and I voted for Stevenson and donated money to the Democratic Party.

Q: No, in 1948, there was an election, and I believe Henry Wallace was the candidate for the Independent Progressive Party and Harry Truman was candidate for reelection. Were you eligible to vote in California at that time?

A: Not to my knowledge. Election time was only about a month after we had arrived and there was not enough time for registering.

Q: Whom would you have voted for, as you recall your thoughts and expressions at the time?

A: My sympathies were with Truman.

Q: Turning now briefly to the association - close and continuous association charge with people of communistic inclinations or people who are reported to have been members of the Communist Party, you have given a reply to that in the letter that has been read to the Board. I will ask a couple of questions to supplement that. Have you ever at any time collaborated with any individual in any subversive or communistic activities?

A: No.

Q: Now, turning to the charges again with respect to any organizations or associations which are totalitarian, fascist, communist or subversive or which have adopted a policy of advocating or approving overthrow of the government by force and violence - now, with respect to that kind of association or group, I will ask you a series of questions. Have you ever been a member in such an organization?

A: No.

Q: Affiliated with such an organization?

A: No.

Q: Sympathetic to such an organization?

A: No.

Q: Have you ever participated in the activities of such an organization when your personal views were sympathetic to subversive purposes of such an organization?

A: No.

Q: Have you ever participated in the activities of such an organization with knowledge that it had been infiltrated by members of subversive groups under circumstances indicated to you that you were a part of or sympathetic to the infiltrating element or sympathetic to their purposes?

A: No.

Q: Have you ever participated in the activities of such an organization in the capacity where you believed you should reasonably have had knowledge of the subversive aims or purposes of the organization?

A: No.

Q: Have you ever had, to knowledge, sympathetic association with a member or members of an organization referred to?

A: No.

Q: Doctor, what are your extracurricular or outside activities, other than medicine?

A: Music, painting, reading, a certain amount of athletic events and that's about all.

Q: Woodworking?

A: Woodworking, which is done at home.

Q: You have, I think, three children; is that correct?

A: That's correct.

Q: Now, are you active politically in any political organization at all?

A: No, I'm not an active person politically. I tend to support organizations which I believe in, but I am not a person who goes out and tries to enlist support of others.

Q: Are your children old enough to go to Sunday school; do they go to Sunday school?

A: No, they are not old enough yet.

Q: Have you applied for membership in any church?

A: Yes, we have them registered with the Temple Emmanuel when they are old enough.

Q: And you intend to send them to Sunday school?

A: Yes.

Q: Do you subscribe to any magazines?

A: Yes.

Q: May I ask what they are?

A: Harpers, The Reported, Life. I don't recall any others at the moment.

Q: I don't think I have anything further to ask the Doctor.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: Doctor Kriss, you say that you were not eligible to vote in the 1948 election in California. Did you, by any chance, vote in Oregon by absentee ballot?

A: I think not. Let's see ... the last election before that would have been in 1946, I guess. At that time I was in St. Louis. I don't think I voted by absentee ballot.

Q: In 1948, after your arrival in San Francisco, did you participate in any discussion of the Independent Progressive Party?

A: Yes, I think I can say we discussed candidates and, as I recall, it was Wallace versus Truman, and we had some discussion about that. I can recall, if I may volunteer, that I was opposed to Wallace in his general views and favored Truman.

Q: Did you do or say anything to support the Independent Progressive Party or any of its candidates?

A: Not to my recollection.

Q: You stated in your reply to the interrogatory that you signed a statement which was being circulated and which supported the Citizens Committee to Preserve American Freedoms to protest the methods used in the interrogation of individuals subpoenaed by the House Committee on Un-American Activities. What specifically was the nature of your objection to the methods employed?

A: Well, I took issue with the subpoenaing of individuals and confronting them with charges without giving them information as to who raised the charges and without giving these individuals opportunity to question the persons who had brought them, and I had no issue at all with the purpose of the Un-American Activity in ferreting out people who might be disloyal to their country.

Q: Are you familiar with the nature of Congressional hearings?

A: No.

Q: Are you familiar with the methods employed in the conduct of Congressional hearings?

A: No.

Q: Well, then, why would you go to the trouble to protest the methods if you are not familiar with the methods employed?

A: Well, I think, as I recall the episode, there was quite a bit of discussion around this point in which the general statements were being made, and I think that I paid attention to them - that individuals were being cross-examined under the circumstances that I have mentioned. I think I accepted these objections on their face value from the people I heard them from, even though I don't have first-hand knowledge of the nature of Congressional investigations. It is possible that I may have been mistaken.

Q: Were any charges made against the individuals who were subpoenaed, whose appearance you objected to on the basis of the methods employed in these hearings?

A: I don't recall any.

Q: Do you regard a Congressional hearing as a trial or an adjudication of the material or matters investigated or under investigation?

A: No. There may be certain inferences where one might feel a sense of righteous indignation, I suppose, at being questioned. I don't think it is a trial and I don't regard it as such.

Q: You state that your protest was not directed to the purpose of the Committee, but to the methods. I wonder if you could clarify that further. If you had no objection to the purpose, which was to investigate subversion, generally, of people who were classified as subversive - if you had no objection to the purpose and realized that no charges were being leveled at individuals and that the Committee was not conducting a trial, why object to the methods, or what specifically did you object to in that nature?

A: I think there have been changes in my thinking, first of all, since the signing of this petition, in the sense of my realization that a hearing is not a trial. At the time I think I felt that charges were being leveled at individuals and accusations made. Perhaps this was in error - an error in judgment in knowing what hearings were like. At the present time it is possible I might not make a similar objection, but then this was my feeling and this was what I was objecting to.

Q: Do you have any present recollection of how your support for the Citizens Committee to Preserve American Freedoms was obtained and solicited, if it was solicited?

A: I have a general recollection that a petition was being circulated at the dining table at Stanford Hospital, and it was kind of being passed around for members to sign. I remember that there were a number of signatures on this before it reached me. I remember looking over it, but I don't remember what names there were, except I had a feeling

that generally there were some people there whom I respected for their position of integrity and loyalty to the government, and I remember that there was a rather brief introductory paragraph saying: "We, the undersigned, protest the methods". This is to the best of my recollection and it was under those circumstances that I added my signature.

Q: At the time, Doctor, at the time of this petition was circulated, were you aware of the organization by whom the petition was sponsored?

A: Can you refresh my memory on that? I don't remember that it was sponsored by an organization other than the Citizens, well, the Citizens Committee.

Q: Yes, the Citizens Committee to Preserve American Freedoms.

A: I knew it only by title; I knew nothing else - didn't know anything about the officers, if that is what you mean by your question.

Q: Was there any connection, to your knowledge, between that organization and the parent group known as the National Council of Arts, Sciences and Professions?

A: Well, as I recall now, no. I'm not sure. It is conceivable to me that in signing; in looking at the petition, that there may have been in print somewhere - "A member of this or that" -

but I don't recall that such an indication was made on the petition.

Q: You have heard of the National Council of Arts, Sciences and Professions, have you not?

A: Yes, vaguely.

Q: Were you aware of the existence of that organization at the time you were attending medical school in New Haven?

A: Yes, I think so.

Q: You were aware, were you not, of the nature of the organization; that it was - if I may use a conservative description - that it was extremely liberal in its viewpoint and that a great many liberal people belonged to it, as well as radicals, depending on the terms used?

A: Yes, I can say that I knew about the organization.

Q: Well, was there any hesitancy on your part to sign a document which was sponsored by that type of organization?

A: Well, I think there is a hesitancy in signing any kind of petition that does require some thought. I don't recall that I knew at the time of signing it that it was sponsored by the organization. To be frank with you, I hadn't considered the Arts and Sciences Council as being subversive. It has been

some time since I had any recollection of it from medical school, and I don't recall connecting the medical school experience with this experience.

Q: You mentioned that there was some inducement in adding your name, by the fact that the names of several people appeared thereon, who were known to you, and whom you regarded as intelligent people whose integrity was beyond question.

A: Yes. I think that whenever someone is asked to sign a document, he looks it over to see who else might be in his company.

Q: Well, is that your normal motivation in signing petitions?

A: This is not the sole motivation, no, but I think that it is an understandable and natural inclination to see who else belongs to an organization or has signed a document.

Q: Do you have any recollection at this time as to the source from which you learned of the California Labor School?

A: I'm rather uncertain. I am not - I don't really know for sure.

Q: What is your best recollection?

A: My best recollection is that I was told by an acquaintance. I'm rather hesitant to mention names, although I have the

name in my mind, but I'm hesitant to mention names, because I am not certain. If the Board wishes ...

Q: Do you have any objection, other than it might be someone else?

A: No, I have no objection.

Q: I would like to hear it.

A: I think that it was a woman named Mrs. Berlin.

Q: Is she a social acquaintance?

A: She was an acquaintance that we had met only briefly. I think we had known them - well, I think it was the first occasion that we had them over to our house, and perhaps I'd known them for a week or so.

Q: Had you ever heard of the California Labor School previously?

A: No.

Q: Doctor, could you mention any names that you can now recall, that were on the petition circulated by the Citizens Committee to Preserve American Freedoms, which carried some inducement as far as appending your signature was concerned?

A: I can't recall any specific names that I saw in front of me before signing my own. One person told me afterward, in some discussion about this, that he was also a signer, but I don't recall that his name was actually there before I signed the petition.

Q: Have you since supported any other movements supported by a committee of any description?

A: No.

Q: Not even in connection with medical organizations?

A: Not that I recall.

DIRECT EXAMINATION - DR. ROBERT NEWELL



Dr. Robert Newell, the first character witness

Q: Doctor, will you state your full name?

A: Robert Reed Newell.

Q: And what is your address, please?

A: My office address is Stanford University Hospital, San Francisco. My home address is 50 Yerba Buena Avenue, San Francisco.

Q: What is your official connection with the Stanford University Hospital?

A: I am a professor of medicine assigned to biophysics.

Q: Are you a member of any learned societies, Doctor?

A: Yes, I am a member of the American Medical Society, State Society, the San Francisco County Society, Radiological Society of North America, American Roentgen Society, American College of Radiology, Optical Society of America, Association of American Medical Colleges - I guess that's it.

Q: That doesn't make you a joiner, sir; these are honors in that sense, is that correct?

A: That's right.

Q: Doctor, how long have you known Dr. Kriss?

A: Since he came to San Francisco about six years ago.

Q: And can you tell us what the nature of your contact with him has been?

A: When I came back from my sabbatical year's leave of absence, the Dean let me set up the isotope laboratory and

put me in charge of it. It was about that time that Dr. Kriss came out and got a position on the faculty. He was interested in endocrinology, and particularly in the thyroids. The first thing that the isotope laboratory has to pick up is the use of radioactive iodine and I found him interested in it, and turned to him, and very soon threw practically all of the iodine measurements and the handling of the medical cases of radioactive iodine cases, and kept for myself the cancer cases, but the other ones, I threw into his hands, and for all the time that our laboratory has been running there at Stanford, he has practically been my first associate. The only difference is that I am on full time, and he is what we call a clinical appointment - that is, he doesn't get any salary - but he has an appointment and gives regular time to the medical school.

Q: Is your contact with him frequent and intimate?

A: Yes.

Q: By the way, while we are on that subject, what sort of scientist or medical man do you find him to be? How do you regard his ability?

A: He is a very good internist, and an extremely understanding man in his particular line of interest, and has shown a very marked ability in his biological research.

Q: Do you know him socially?

A: I have been in his house two or three times; they have been in our house two or three times. I have a key to his garage because I like to go up there and use his sawtable. He and I both have been very busy with our own projects, and so, as a matter of fact, I don't see as much of him as I would like to. We have what I call "an isotope lunch" every week, in which people who are interested in isotopes are expected to come if they have any problems but, for the last year it seems to me, he hardly ever comes because he is on the Dean's committee for something else in connection with the moving of the school to Palo Alto, so that he hasn't come to isotope lunch very much, but I see him I dare say in some sort of short conference about our work three or four days out of the week, regularly.

Q: Now, you have worked in his shop with him, have you not, in his woodworking shop?

A: I have worked in there, but we have never built anything together; I never worked with him.

Q: Well, in your contacts with him, either the social ones that you have referred to, or any others, has he had an opportunity to discuss any political matters with you?

A: Oh, sure. All kinds of opportunity. At the doctors' table at what we used to call the diet laboratory, which is now called the coffee shop, there are perhaps fifty doctors of the medical school who lunch there every day, and the conversation is not infrequently political, either between

two people, or it sometimes covers the whole table, if it gets, shall I say, heartfelt, so that he has had all kinds of opportunity for political conversation, but I have been unimpressed by his inclination toward it. I don't see ... he isn't usually one who takes part in these conversations.

Q: You would then say that he has had opportunity in these informal relationships to either talk about, or bring up political subjects, but hasn't been active in participating in them, or bringing them up?

A: That's my impression. My impression is that he has been little inclined to join in our political conversations. I don't mean that he has avoided them, he will talk about anything that the people at the table are talking about, if there is a table of four of us, or if there is a big table ... but I could name you, I could name you a dozen people in the school who are much more political, inclined to political conversations than he is.

Q: Now, you say he hasn't avoided them; to the best of your recollection, when he had discussed political matters, have his views been radical?

A: I don't think so. I think his views are less radical, usually, than my own.

Q: They are not of a communist or subversive flavor?

A: No, not at all, neither are mine. As a matter of fact there are only a few people in the school who have a reputation of

an inclination toward ideas which, shall we say, follow the communist line. There are a few in the school who have this reputation. I don't think it is a deserved reputation. I think it is just because they have ideas which are somewhat nonconforming to the political ideas of the rest of us. I don't think they deserve the reputation, but Dr. Kriss is not in that class at all.

Q: He does not have that reputation?

A: No.

Q: Has he not seen, or has he seen on your desk from time to time, literature on organizations in which you are interested, like the United Nations, which would have given him opportunity to have expressed views on those subjects had he any pronounced ones?

A: Well, I have no doubt he has, but I have never brought up the question. I never tried to get him to join the committee for the United Nations, nor the Citizens Committee for the World Health Organization; I have never approached him on that at all. As a matter of fact, I haven't approached anybody else, either, but, the things have been on my desk, more or less, all the time.

Q: Would you regard him, from your experience, your relationship and acquaintance with him, Doctor, as a loyal American citizen?

A: Completely.

Q: Do you happen to know what his principal activities are outside of his interests in work in medicine?

A: Well, he's something of an artist. He's something of a workman with his hands, he likes to make things - lamps and tables - that kind of thing. He is wrapped up in his family; he is, shall I say, forever going off on short trips with his family, but, outside of that, I am simply unaware of what his extracurricular activities are.

Q: Do you know whether he has been active in political organizations of any kind?

A: No, I don't know that he even belongs to any.

Q: Well, you know, do you not, that there are some organizations in which people in your medical school are active in - you know that he is not active in those, is that correct?

A: Yes.

Q: Can you tell me what some of those are?

A: Yes. Dr. Byer persuaded me some time ago to join the one that she was interested in, that her husband is an officer in, the Citizens Committee for the World Health Organization. I held off for a while, but finally acceded to her invitation in

membership because of my interest in birth control, population limitation, I thought I might be able to get an effective word in there. But he is not a member of that committee. I am trying to think of any others that have been promulgated in the school. Well, when we were distressed about the loyalty oath at the University of California, he was not one who did anything about it. I don't know whether anyone persuaded him to put his name to a petition or not; he might well have acceded to the invitation to put his name to a petition, and I just wouldn't know because he and I never had any great talk about it. In regard to the recent Burns and Chapel bill before the legislature, I undertook to write to the Legislature, to the committee in Sacramento, but I am not aware that Dr. Kriss did; as a matter of fact, he and I didn't talk the matter over. I had never thought of him as active at all. I am simply unaware of any political activities that he might have been engaged in because I have never approached him on it.

Q: But put it this way, that there are people in the medical school who have come to your attention as politically active, have they not?

A: That's right.

Q: And Dr. Kriss is not one of those?

A: No.

Q: By the way, Doctor, have you, yourself, had occasion to receive any security clearance?

A: Yes. I have been cleared many times for many purposes.

Q: You might mention, briefly, some of those.

A: My first security clearance was for Crossroads Operation, and after that -

Q: You mean Bikini?

A: Yes - well, there were several "Bikinis", you know. I have only been there on the one Crossroads Operation, and then, later, I was cleared for the USPHS and for Argonne and Oakridge, and Los Alamos, and I was cleared for the NEPA and ANP development which was the contract at Fairchild to develop an atomic-driven airplane. I was on their advisory board and their research and development board. And, my most recent clearance was for jobs of the Air Force at Fallon Air Force Base.

Q: Well, it would be fair to say, then, Doctor, that you are thoroughly aware of the importance of security and security clearance and some of the factors involved in this country?

A: That's right.

[CAPTAIN SCHATZ]: Pardon me, if may I interrupt at this point while it's still a matter of the subject of discussion. I

would like to have clarified the type of name of the clearance that Dr. Newell received.

A: I have a “Q” clearance, sir.

Q: Based on your own experience and knowledge of what is involved, do you regard the granting of a commission to Dr. Kriss as consistent with our interests in national security.

A: I would.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: Dr. Newell, since you have had the opportunity to discuss political matters with Dr. Kriss, and have had lunch with him when he would enter into discussions generally, would you classify him as politically naive?

A: Yes.

Q: Does he appear to you to be a person who doesn't have an idea of what is going on in the world of politics?

A: No, maybe you and I don't mean the same thing by “naive”. By naive, I mean politically unpracticed; a person who, as far as I know, hasn't taken part in political activity that amounts to anything, either in state politics or city politics or medical politics. He just, in my opinion, just isn't politically active.

Q: And that is your interpretation of the word “naive”?

A: Yes. But do I think that he would be readily taken in? I don't think so, no. I don't think he would be readily taken in. I think he has the constitution of a political conservative.

Q: He is an intelligent person who is aware of what is transpiring in the world today?

A: Yes, I think his feet are on the ground.

Q: Dr. Kriss mentioned earlier that he had signed a petition which was sponsored by the Citizens Committee to Preserve American Freedoms. He mentioned that this petition had been circulated at the Stanford Hospital during a luncheon. Do you recall the circulation of such a petition?

A: There have been several petitions circulated, and I signed some of them. You will have to tell me what the content or purpose of the petition was before I would recognize it.

Q: This particular one was in protest to professional men being called before the Un-American Activities Committee.

A: Yes, I think I recall such a petition. This was at the time that the Committee was meeting in Los Angeles, I believe.

Q: That is the occasion, I believe. Are you now, or have you ever been a member of the National Council of Arts, Sciences and Professions?

A: No.

Q: It is one of the organizations on the Attorney General's list.

A: No. I don't keep them all in my head.

Q: Do you have any opposition to loyalty oaths, Doctor?

A: Yes. Well, I have an opinion in regard to the loyalty oath.

Q: I would be interested in hearing it.

A: I think it a great mistake to force loyalty oaths on people. I have done my best by my vote and my voice within the California Medical Association to persuade them that their attitude towards the loyalty oath was ill taken. I did take action within the California Medical Association to try to stop this action of our House of Delegates several years ago when they voted that in order to be an officer or a delegate to the California Medical Association, you had to take the special loyalty oath - you know the one I mean in which you disclaim that you have even been a Communist or that you had ever been a member of any organization which was on the Attorney General's list. But I actually wrote an essay on the subject in which I put forward the proposition that the harm done was to our society in asking for the oath. There was one of the delegates at the previous meeting who said, and this was published in California Medicine, our official organ, that if a man comes home every night and every time

he comes home his wife asks him at the door “Do you still love me?” that he is a heartless brute if he won’t reassure her that he loves her. And I say that I object to her asking this type of question because I don’t think the asking of the question does him the harm, but that it does her so much harm. That is the same way with the loyalty oath.

I have undertaken to talk to a neighbor of ours who is a regent of the University of California. I don’t think he understood what I was talking about, but my attitude toward that is that was a very foolish thing for the University to get caught in. Once the regents raised the question of loyalty, it was inadvisable to yield to such a presumably despotic movement; then, of course, you have to continue in your resistance to it, and so I was on the side of those who were resistant to the requirement to sign the special loyalty oath in order to stay on the faculty of the University of California. I don’t think that all my friends all have the same philosophy that I have, but I think that I am one who does resist the imposition of a special loyalty oath for persons who are not being asked to undertake work which was necessarily to be kept secret for the safety of the country. I am sorry to be such a long lecturer.

Q: That’s all right.

A: I am quite willing for you to see into my heart, and perhaps, a little desirous of persuading you to join my way of thinking.

Q: You recognize, of course, Doctor, that a great many organizations, including those that are Communist dominated and communist infiltrated, take the same position?

A: That's right. I think they don't do it for the same reason, however.

Q: That's true. You had no objection to the taking of an oath insofar as security is involved, with respect to divulging previous association with subversive organizations?

A: I think I have explained that.

Q: I think you have. I have no further questions.

DIRECT EXAMINATION - DR. HENRY KAPLAN



Dr. Henry Kaplan, the second character witness

Q: Please state your full name and address.

A: Henry Seymour Kaplan, 33 Monte Mar Drive, Sausalito, California.

Q: What is your position, Doctor, at the present time?

A: I am professor of radiology and Head of the Department of Radiology at Stanford University School of Medicine.

Q: Incidentally, you just spent a year on sabbatical leave, didn't you?

A: Yes.

Q: Where were you working?

A: International Institute of Health for the Public Health Service at Bethesda, Maryland.

Q: I see. How long have you been acquainted with Dr. Kriss?

A: I believe that I first met Dr. Kriss in 1944 when I went to Yale University School of Medicine to teach.

Q: Did you know him fairly well at Yale?

A: My recollection is that he was then Assistant Resident in Medicine, and I came in contact with him when he had problems in the care of some of his patients that brought him to our department, so that I saw him professionally. And, I had occasional contact with him socially at that time, but I don't believe that we were extremely close friends, although, as I recall, we did play tennis once or twice before we both left New Haven. He left, I think, before I did. I would say I

knew him fairly well, but not as well as I have come to know him since then.

Q: Did you know anything about his political views at that time?

A: Well, I don't recall his ever expressing any strong political views to me, either socially or on other occasions.

Q: Did you meet him on social occasions?

A: Yes.

Q: Now, since knowing him at New Haven, you have renewed acquaintances, after a lapse of time; where and when?

A: Well, as I recall, he came back to New Haven sometime after he left there, and before I left, when I saw him there on a visit. And, the next time, to the best of my recollection, was during an international congress of cancer research in St. Louis, which, I believe, may have been around 1947; but I might be wrong on that. At that time, he was doing research and teaching at Washington University School of Medicine. He was then in St. Louis, and I saw him there. We went out socially, and had a chance to renew acquaintances.

Q: At that time, did you have any recollection of what his political views were?

A: Well, once again, I can only say that I have no vivid memory of any political discussion of any kind with him.

Q: The next time you renewed acquaintance was in San Francisco in 1948; is that correct?

A: Well, I think we met in Chicago shortly after his marriage, while my wife and I were on our way out here, in the summer of 1948. And he and his wife were coming out here at about the same time. He was going to start a private practice of internal medicine here. And then we met in Chicago, and met out here shortly thereafter.

Q: Now, since you have seen him out here, have you had both professional and social contacts with him?

A: Yes. Well, he is on the staff at Stanford, of course, and I see him in several capacities. We have certain research interests in common which we have had occasion to discuss, at luncheons, and at other times. He has had patients, of course, referred to our department for diagnosis and therapy; and we have discussed these. We have been thrown together in certain teaching activities as well. So, I have seen a fair amount of him professionally and socially. The two families have seen each other on many occasions, particularly since we began producing offspring, who are happy playing with one another, and we have seen each other a good bit through these years.

Q: Now, on any of these social occasions which you say have been rather common, since you met him again in San Francisco, have political subjects been discussed, either by you and him, or by you and him and others present?

A: Well, it is difficult to answer that specifically, because my memory doesn't serve me that well. I would say that I cannot recall a single discussion with him about political theory, or anything of that sort. We have, I imagine, talked, at times, about who was going to win the election, or something of that sort. I don't believe he has expressed any strong political views to me on any score that I can recall.

Q: By "political theory", I think you mean what is a form of society and whether socialism is better than capitalism and that sort of thing?

A: Yes. I don't recall, however, ever having had a discussion of that sort. I have never had a discussion of this kind in a great many years, with anybody.

Q: But you mean, mainly, practical political questions like: "Who are you going to vote for?", "Who's going to win the election?", and that kind of thing?

A: Yes.

Q: Has he ever expressed any views which you think could be characterized by yourself as being communistic or subversive?

A: No. I would say that he has been predominantly interested in his work. He has done a splendid job of combining private practice of medicine, which is a very demanding process in its own right, and research and teaching, which are also demanding occupations, and has still managed to be quite a model husband and father. He has spent a lot of time with his kids and they show the benefits thereof. He finds time for certain hobbies, and I think, with his professional life and personal life being as full as they are, I can't see where he would have time for any political activities. I see certainly no evidence that he has been significantly interested in political life, except to the extent that any of us is, as a normal citizen.

Q: What are those hobbies of his to which you refer?

A: He used to play the fiddle in New Haven, but I haven't heard him play the fiddle much lately. But, he has become a very good painter. We took a painting course together in Berkeley a few years ago. And this involved riding over about one night a week to work with an artist whom we knew. And, since that time, he has ceased taking lessons, but has made a great deal of progress on his own. His painting is really first class work now. He also has been interested in woodworking carpentry. He has built things for the home, and I think, some things for his office and has actually shown some knack of workmanship. He has rebuilt parts of his home himself. I guess all of us are inclined to do more or less that sort of thing, and I think he has taken it up more than most.

Q: What is your opinion of him - while we are on the subject, briefly - what is your opinion of him as a medical man and a research man?

A: Well, I can only say that I think he is one of the very best internist doctors I have known anywhere. I would have no hesitation in placing myself in his care, or any member of my family in his care.

Q: Do you regard him - turning now to this question - do you regard him as a loyal American citizen?

A: I certainly do. I think America would be very happy to have many citizens who are all exactly of the same degree of loyalty as he is. He is a man whom I admire in every regard.

Q: I have no further questions.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: Doctor, are you politically active?

A: Well, I vote, that's about all.

Q: What is your personal position with respect to loyalty oaths?

A: Well, I have come to accept them somewhat reluctantly as a necessary evil.

Q: Would you describe that a little more fully; you use of the expression “necessary evil”.

A: Yes. I have felt that as they have operated, they do not really wind up catching Communists. I have no objection to catching Communists. I think it's a good idea, but I don't think loyalty oaths effectively do this, and I think they wind up being an indignity to each of the individuals concerned. It is sort of - well, to me, a basically un-American idea because there is the imputation in the loyalty oath that one is guilty until he has sworn that he is innocent. Whereas, traditionally, in American thinking there has been the idea that one is innocent until proven guilty; and this, I just don't like. But, as I say, this has been something that has come up that we are testing, and the people of this state and elsewhere, held the idea, so I feel that the majority should rule on questions of this kind.

Q: Since it is a requirement of the law, hasn't the majority ruled upon, in effect?

A: Yes, that's what I say, that the people have validated this particular law. Not all laws when first passed necessarily reflect the view of the majority. They represent a majority of the representatives of the people, and there have been instances where people have - where the people in referenda indicated that they do not approve of laws which

their own representatives have passed; just theoretically feasible. They may be getting too far afield on my beliefs, but in essence, I would say that I accept this. I accepted the loyalty oaths when I went to Bethesda, and I was investigated and cleared for this work. This is a part of everyday procedure now, in any contact with private citizens, as it is with the government. I am still opposed to such things as loyalty oaths having to do with private business. I think they have no place.

Q: In your work in radiology, has it been necessary from time to time - it has, I presume, to obtain security clearance?

A: Well, I am not doing any classified work, but insofar as I have contact with the government as a consultant to the Public Health Service, and things of that sort, I have had ordinary clearances for government appointments. I am not required to have any classified clearances.

Q: Have you never made application for a classified clearance?

A: I have not. But, several years ago, a group at Argonne Laboratory in Chicago asked if I would join them as a consultant, and at that time, I believe the classified clearance was looked into, but nothing ever came of it. I never heard later on whether or not there was some hitch in my being cleared for that classified work or not. But I did not, as far as I can recall, make an application for such a clearance.

Q: Did you participate in the work at that project?

A: No. As it turned out, I left Bethesda at that time to come out here. The work would have been at Bethesda, and the whole thing dropped - you see, I was working with a man now deceased, Dr. Egon Lorenz, who was Chief of Biophysics at the National Cancer Institute, which is part of the National Institute of Health in Bethesda. And he had been working at the group - with the group at Argonne, and it was because of his association that it was suggested that I also come in on the work. But, I was only there for about a year, and then was given the appointment here at Stanford, and because of the move, there was no longer any need to go through with that particular procedure.

Q: What year was that, Doctor?

A: 1948, I believe.

Q: To your knowledge, have you ever been denied a security clearance in connection with any work on classified material?

A: Not as far as I know.

Q: Dr. Kriss has testified before this Board that he signed a petition which was circulated at Stanford Hospital by the Citizens Committee to Preserve American Freedoms. Do you recall such a petition being circulated in connection with the

taking of loyalty oaths by members of the medical profession?

A: I can't recall specifically a petition by a group of that name, simply because I cannot recall any group with that name. I do recall this, very definitely, about four years ago now. There was a bill pending before the state senate which, I believe, had been introduced by Senator Burns to require loyalty oaths as a condition of license for a physician. And, perhaps a year later or so, there was another bill which again was introduced, I think, by Senator Burns, although I may be wrong, which would modify the loyalty oaths as a condition for license generally, not just applying to physicians, but for anybody who now has to be licensed from the state; and I was deeply opposed to both of these, and I still am.

Q: On what basis, Doctor? Would you care to explain that?

A: I feel that the private practice of medicine is essentially a private matter, and a matter that concerns a doctor as a private citizen. The state exercises the right to license the doctor for the purpose of maintaining certain minimum standards, which I think are essential for the protection of the citizens of the state against gross malpractice, against inadequate training, against that sort of thing. This, to me, has no connection with the political views or lack of political views of the doctors who are conducting this practice. In short, I felt that this was irrelevant to the basic purpose for which the licensing laws originally were put through, and therefore, it would be an unfair use of the licensing provision

to force doctors, as a class, as a special class of citizens to accept an oath which could not be imposed upon the general citizenry. Now, if there had been a law that everyone in the State of California had to take the new loyalty oath, without regard to licensure or occupation or anything of that sort, I think that this is entirely proper. I do not think, however, that a state has a right to exercise its license laws as a lever to force particular groups of occupations to accept an oath which no other occupation has to accept. I do not think that there is an imputation that doctors are especially disloyal, because a later law covered barbers and physiotherapists and beauty parlor operators; I don't think any of these people are particularly disloyal, as compared to street sweepers who do not have to get a license and, therefore, would not have to take an oath. That's the gist of my feeling, that the singling out of certain classes of occupations amounts to an insult to those occupations; and I still feel this way.

Q: Do you feel the same with respect to the requirement of an oath of government employees regardless of whether it be any political subdivision in the government - that they take loyalty oaths?

A: No. As I stated earlier, I think that this is now an established thing, and I think that where the government is concerned, there is a special problem involved. But, I think that where private citizens are concerned, this is an entirely different situation, and that the two should not be allowed to overlap.

Q: Do you feel that it is an indignity or imposition on any person to have him state under oath that he is not, or was not at any time, a member of a subversive organization?

A: Well, again I will say that this is now an accepted thing in connection with government employment and government appointments of any kind, and since it is an accepted thing, I am willing to abide by it. But it has always struck me as being kind of like the question “When did you stop beating your wife?” because it implies you have been beating your wife. It is an unnecessary question, it seems to me. Most of us live our loyalty every day. And, merely getting on the stand and putting our hands up in the air doesn’t prove that you are loyal. Moreover, there is nothing to stop a Communist from putting his hand in the air and swearing that he is perfectly loyal. I think that most Communists could be relied upon to do just that. Most of the people that I know that have had reservations about loyalty oaths have, I know, been vigorous anti-communists. I am a strong anti-communist myself, and I have been for a good many years. I would not hesitate to say in any private gathering that I am opposed to Communists. But, having taken an oath that I am not, and have never been, a Communist, is as I say, something in the nature of swearing I have never beaten my wife.

Q: I do not see how you establish that inference there. Is there something pregnant in your denial of ever being a Communist?

A: I am not sure I follow your question.

Q: Well, where does the inference arise in the denial of your connection - of your association - with a particular movement? I don't follow your reasoning.

A: On that same reasoning, one would have to take an oath that you have never committed murder; you would have to take an oath that you have never raped a woman; you would have to take an oath for all sort of things for which there is no particular reason to believe that you have even been involved in any case. There is just as good a reason, you see, to take an oath that you have not committed any of these other misdeeds. The imputation is there in having to take the oath that you have done this. If you have never done it, and nobody thinks you have done it, then, why take the oath?

Q: Then, on what do you establish the basis for the imputation being there? That's what I fail to see.

A: The imputation is there in the requirement that you take an oath; that's very simple, just as it would be if you had to take an oath that you had never committed murder.

Q: In asking the question "Have you ever been a Communist?" - where is the imputation that you are a Communist, or ever were a Communist?

A: I think it's self-evident.

Q: By what process of reasoning do you arrive at the conclusion that it is self-evident; can you explain that?

A: I thought I did.

Q: Not to my simple mind. I don't follow it. You said that it is self-evident; that is hardly reasoning. You are stating it as a fact.

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: May I suggest, Commander - I don't want to interrupt, and if you feel that this is important, of course, the witness will answer. The thing that I have in mind is that there is another doctor waiting, If the subject is to be explored lengthily ...

[COMMANDER GLEESON]: The only thing that I have in mind is this: that Dr. Kaplan is called as a character witness, obviously, to testify to the integrity and loyalty of Dr. Kriss. He states that he is loyal, and his integrity is unquestionable, and of the highest caliber. So, it is important, I feel, to the Board, to determine the political views and philosophy of the witness, insofar as evaluation by the Board is otherwise impossible.

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: That's correct, sir.

[COMMANDER GLEESON]: That is the reason for it, and I want to see what the basis is.

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: What we want to establish is his sincerity as a basis upon which the Board can make the -

[COMMANDER GLEESON]: That is why I question this matter of sincerity. When you merely say that something is to, and that's it. When you start from an assumption that this imputes certain things, which to my mind are not imputed -

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: If you feel that it is - that's the only objection.

[COMMANDER GLEESON]: - that's the one thing I want to have clear.

[DR. KAPLAN]: Let me say this -

[COMMANDER GLEESON]: I disagree that there is any imputation in asking you now, if you are, or have even been, a Communist. I don't think there is any imputation, any inference in the question that you were at any time associated with the Communist Party in any sense, or in any capacity. And, to have the witness state that there is that imputation, is, to my mind, utterly false. I am trying to find out as specifically as possible, from what reasoning he arrives at that conclusion.

[CAPTAIN SCHATZ]: The Board is satisfied with Dr. Kaplan's prior answer, insofar as it related to this as a witness for Dr. Kriss.

[COMMANDER GLEESON]: I just have one more question, Doctor. You objected then, to the requirement of doctor's loyalty oath?

A: I did, and I still do.

Q: Were you fairly active in your opposition?

A: I signed a petition which was circulated at Stanford University as to the oath required to be taken by the faculty of the California Medical School. So far as I know, the group that signed this petition had no name, and I do not recall any organization of the name which you mentioned earlier. I do not recall signing that petition by any such group. The action we took was entirely spontaneous and arose from discussions in the faculty, and I believe that a good many of the faculty, perhaps not the majority, I can't say, but a great many of the faculty felt exactly as we did, and most of them still do.

Q: Had you, at any time, ever held a commission in any branch of the Armed Services?

A: No, I never had a commission.

Q: You have been rejected?

A: Yes.

Q: And to what branch of the service had you applied?

A: The Army.

Q: When was that, Doctor?

A: 1941.

Q: Have you performed any military service?

A: I have not been eligible for any military service on account of physical disqualification.

Q: Will you state what the basis of that rejection was in your application for the Army?

A: Well, I was told by the examining physician that I could not turn out a snappy salute on account of my hand.

[Indicates large deformed fingers on right hand]

[CAPTAIN SCHATZ]: The Board has no further questions. Thank you, Doctor.

DIRECT EXAMINATION - DR. LYMAN STOWE



Dr. Lyman Stowe, the third character witness

Q: Doctor, will you state your full name?

A: Lyman M. Stowe.

Q: And what is your residence? Your address, please?

A: 698 Victoria Street, San Francisco.

Q: And will you state your professional occupation?

A: Associate professor of obstetrics and gynecology at the Stanford Medical School.

Q: When did you first know Dr. Kriss?

A: I first met him in 1940 when I was on the staff of the Department of Pathology at the Yale Medical School, and Dr. Kriss was a student of the Yale Medical School.

Q: And were you acquainted socially as well as in your professional work?

A: Not at that time, no; but subsequently we have been.

Q: Did you become acquainted at that time, in 1940, with Dr. Kriss' political views?

A: I can't really say so, no.

Q: When did you, again, become acquainted with Dr. Kriss?

A: When I came out to San Francisco, in 1949, to Stanford.

Q: Describe the nature of your relationship with Dr. Kriss since then.

A: Well, it has been both a professional and a social relationship; since that time, a fairly close one.

Q: By “fairly close”, would you describe that a little more; did you see him frequently, socially?

A: Yes, very frequently.

Q: Did you visit one another’s homes?

A: Oh, yes.

Q: Have you had occasion to discuss political questions with him?

A: Yes, indeed. It’s common discussions these days.

Q: And were any of his views communistic or socialistic?

A: Not in my opinion, no.

Q: Can you recall any specific subjects that you discussed that gave you the basis of your opinion?

A: He certainly has been in opposition against such things as the Communist movement in South Korea.

Q: He was opposed to that?

A: He was opposed to that. He has been opposed to Communist activities in Indo-China. He certainly has consistently opposed Communist theories of government as we read about them. He has been quite unsympathetic with the happenings in Russia, both internal, and as far as their external relationships affect us and other people too, as far as that is concerned.

Q: These views he expressed freely?

A: Very much so.

Q: How would you characterize his political beliefs or outlook if you used your own words to do so?

A: Well, I suppose the term I would use would be that he is a liberal in the sense - I know that is a fairly indefinite term in my own mind, I must admit, but I think it means to me anyway, someone who is, generally speaking, interested in the welfare of the people as a whole, and not interested in doing things to the advantage of any limited group.

Q: That's a good definition. Everybody, I suppose, has a different one about liberalism. But, to get it down to a more concrete basis, do you happen to know how he votes, has he ever said?

A: From what I understand, he's voted Democrat for some years back. It seems to me that once he told me he actually contributed to the Democratic Party campaign funds.

Q: Do you remember if that was in connection with Stevenson?

A: I believe so, I think it must have been, because I was not here for the last - previous - election, so it certainly must have been.

Q: Do you regard him as a loyal American citizen?

A: Yes, indeed.

Q: What kind of doctor do you believe him to be, what kind of medical man?

A: First rate.

Q: You are aware of the importance of national security and the government's interest in maintaining it in all walks of life?

A: Yes.

Q: Do you believe that giving him a commission would be consistent with that interest in national security?

A: I do, indeed.

Q: I have no further questions.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: Doctor, have you performed any military service of any nature?

A: Yes, I was in the Navy from 1944 until 1946, and I am currently a consultant to the Naval Hospital in Oakland.

Q: Do you know of anything in Dr. Kriss's background or associations, from your own knowledge of his background and associations, that would raise any question as to his being a security risk

A: I can't see how he could be possibly thought of as a security risk from my own knowledge of him.

Q: Have you ever heard him voice any opposition to the attempts of this country to half the spread of Communism, whether it be in Korea, Indo-China, Europe or any other part of the world?

A: Well, in principle, no. Everybody, I am sure, voices opposition to particular techniques with which they may not be in agreement, but, certainly, he has never voice any opposition to the basic principles of trying to half the spread of Communism.

Q: In your opinion, is he opposed to the Communist movement?

A: I'm sure he is.

Q: Do you consider your friendship with Dr. Kriss very close?

A: Yes, I think so.

Q: That's all I have.

[COMMANDER HANTELMAN]: In your advisory capacity out at the hospital at Oak Knoll, is that as a reserve officer?

A: No. I am no longer in the reserve; I'm a civilian consultant.

Q: No further questions.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: Dr. Kriss, you have heard the testimony of Dr. Newell and Dr. Kaplan with respect to their position in connection with loyalty oaths for members of the medical profession. Will you tell the Board what your position is in connection with the loyalty oaths required by the medical profession.

A: Well, I think that my position is rather similar to both Dr. Newell and Dr. Kaplan insofar as the requirement of an oath for a position serving in a civilian capacity is concerned, in that I do not believe that the taking of a loyalty oath should be tied up with the licensure requirements for the private practice of medicine.

Q: Do you feel that it is an indignity to the individual to ask him to state, independently, of any objection he might have, as to whether or not he is a member of a subversive organization?

A: I don't know that my opposition stems from the feeling of indignity. I feel that it is an unnecessary imposition and an unfair imposition.

Q: Do you feel that it imputes anything which is derogatory to the individual?

A: Well, I can see Dr. Kaplan's point when he made that statement. I don't find myself in quite as strong a position as that, but I can understand what he feels.

Q: Dr. Newell testified that there was a certain element among the doctors at Stanford University Hospital who were classified as radicals, even subversive. Would you put Dr. Kaplan in that category?

A: No, most certainly not.

Q: Do you have a close continuing association with Dr. Kaplan?

A: Yes.

Q: Do you discuss politics with him.

A: On occasion.

Q: How would you classify his political point of view?

A: I would classify him, politically, as being rather similar to myself. I would say that he was a liberal in his thinking and, so far as I know, I think that we would all support - have supported in the past - the Democratic Party, at least within the recent years that I have known him.

Q: To your knowledge, have any of your friends, acquaintances or associates been members of the Communist Party?

A: No.

Q: To your knowledge, are any of your friends, acquaintances or associates members of any of the organizations listed on the Attorney General's list?

A: No.

Q: In going over your file in this case, I noted that you applied for a commission in the Medical Administration Corps in 1942.

A: I have applied for a commission on two occasions, and was given a temporary commission with the Medical Administrative Corps in 1942. I applied for a commission in 1941 and was rejected for physical reasons. In 1942 everyone in the school was given a commission without examination. In 1943 I requested a transfer from the Medical Administrative Corps to the Regular Army Medical Corps, and was, again, rejected for physical reasons, so that I have twice tried to enter military service, and twice I have been rejected.

Q: On both occasions that was for physical -

A: For physical reasons.

Q: Have you done any work on classified material in connection with your radiological research?

A: No.

CROSS-EXAMINATION BY CAPTAIN SCHATZ

Q: Dr. Kriss, for the information available for the Board, and, to verify it, I would like to ask you a question. Where were your parents born?

A: In Russia.

Q: Do you still have any relatives in Russia?

A: Well, my father had some relatives there, but to the best of my knowledge, they are dead. We have never received any communication from any member of the family for at least twenty years.

Q: Do you have any proof that they are dead? You have no proof of them being alive?

A: No, that's correct.

Q: Do you feel that in view of matters that you have read in newspapers, matters that you have discussed, and from your other experiences, that you can spot or recognize a member of the Communist Party, or a fellow traveler?

A: I don't know as I could do this with certainty. No, I don't feel I would be completely competent about it if an individual were very careful to hide all evidence, it is possible that he might succeed in fooling me.

Q: May I restate my question? Do you think you could recognize the party line in conversation or discussion?

A: Yes, I am sure I could.

Q: Would you, if so required by law, in order to be a member of the Armed Services, sign the standard loyalty oath without any mental reservation?

A: Yes.

Q: You stated that you were rejected because of physical defects from membership in the Armed Forces. Have those physical defects now been cleared up or removed?

A: No, the defects remain. The physical standards, I think, have changed since that time.

CROSS-EXAMINATION BY COMMANDER GLEESON

Q: You mentioned in your statements, Doctor, that in signing the petition circulated by the Citizens Committee to Preserve American Freedoms, that you objected to the methods used, rather than the purposes involved. You also mentioned, to quote your letter, "In signing this petition I was acting with the intention of protesting against what I believe to be a denial by the House Committee of the right of confrontation and cross-examination." Do you have any objection to the same type of hearing which is actually being

conducted here, where no witnesses are produced, and you are not given access to classified files?

A: Well, I think that there may be times wherein the interest of national security that witnesses may not be named specifically, or specific charges might not be listed. If it is in the interest of national security, I wouldn't see any particular objection. If that individual's job depends, or his livelihood depends upon revealing this information then, there are times when one wonders about - perhaps I am phrasing this poorly - sometimes the suspicion of disloyalty would cause a man to lose his job and his livelihood. Under those circumstances, I think that he should have the right to know specifically the accusation and be able to cross-examine those who have brought the accusations to his own satisfaction.

Q: Even when no charges are made?

A: If there aren't any charges, I do not see that he can be held responsible for anything.

[CAPTAIN SCHATZ]: The Board would like to inform Dr. Kriss at this time that the duty of this Board is merely to make a finding of fact, express opinions and make recommendations.

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: I don't mean to interrupt you but I assume that you are saying this because you believe all the evidence to be in?

[CAPTAIN SCHATZ]: Yes.

[MR. WERTHEIMER, COUNSEL FOR RESPONDENT]: Then I have a host of letters which heaven forbid that I should read at this time. Had we had more time I think I would have read them because it's more effective to get the information in that way. What I would like to do now is to introduce them as exhibits, one by one, and you can read them at your leisure if I may do so.

The first one is a letter from Dr. Stanislaus Szurek who is a psychoanalyst, and who has an intimate acquaintance with Dr. Kriss.

The second letter which we offer at this time is from Dr. Peter V. Lee, Assistant Dean at the University of Southern California School of Medicine.

The third letter that I wish to offer at this time is from Dr. Barry Wood, Jr., who is Professor of Medicine at Washington University.

The next letter is from Mr. William Winsberg, who is the General Merchandise Manager to Snellenburg's in Philadelphia, which Dr. Kriss and others inform me one of the biggest department stores in Philadelphia.

The next letter is from Dr. Morton A. Meyer of Berkeley, California.

The next letter is from Dr. Forrest M. Willett of the Veterans Administration.

[CAPTAIN SCHATZ]: The hearing is closed. There should be no possibility that publicity would be given to this hearing such that it might well affect Dr. Kriss's employment or future employment. It is handled entirely in a closed manner. Only those of us who are present know about it, and know the results of it, and it is handled in private, official communications all the way up and down the line, so you can rest assured that there would never be anything - any other type of publicity given to it than has been given hearing in which, you might say, civilian employees were being looked into.

The hearing ended at 1221 hours, 28 July 1955.

During the month of August 1955, no communication from the Twelfth Naval District was received by attorney Westheimer; he requested a copy of the records of the proceedings which he received in late September.

No further communication was received during the balance of 1955. Finally, in a letter dated January 12, 1956, Joe was informed that he had been given an appointment in the U.S. Naval Reserve with the rank of Lieutenant Commander, Medical Corps. By implication, he had been found innocent of any wrongdoing.

The letter also stated that, pursuant to Special Draft Call 20, Joe was to report for active duty no later than July 1, 1956.

However, the court-martial finding gave Joe the option of leaving the Navy; he was, in fact, no longer subject to the active duty draft. As a result, his Navy service ended in early 1956.

Senator Joseph McCarthy died on May 2, 1957, at the age of 48 from "hepatitis, acute, cause unknown". In the summer of 1957, a special election was held to fill McCarthy's seat which was won by Democrat William Proxmire. Proxmire did not pay the customary tribute to his predecessor and stated instead that McCarthy was a "disgrace to Wisconsin, to the Senate, and to America."