

The False Accuser of Bunche and Mrs. Karpuk Remains A "Consultant"

Debunking That Supposed Reform by Brownell of the Informer System

On Friday, April 15 the Scripps-Howard Washington *Daily News* ran two banner lines across page one, "Justice Department Drops Its Stable of 87 Ex-Red Per Diem Witnesses." Inside, the headline said "Justice Drops Its Ex-Commie Helpers." The result was a flurry of congratulatory editorials and a general impression that the Justice Department had at last reformed its informer system.

That same afternoon the Attorney General held a press conference. The transcript will show that the only reform, if any, is that in the future these informers will be paid per diem instead of on salary.

The Attorney General was either ill-informed or careless even in the statement that there were no more salaried informers. This appeared from an incident in Greenboro, North Carolina, during the trial of a local Communist leader, Junius Scales, under the membership clause of the Smith Act. The ex-Communist informer, John Lautner, on the witness stand April 12 and 13 swore that he was a salaried "consultant" of the Justice Department at \$125 a week.

Defense Counsel David Rein of Washington saw the *Daily News* story. When court reopened on Monday, April 18, he called the Judge's attention to a side-bar conference to the contradiction between the Lautner testimony and the report from Washington. The U.S. Attorney in charge thereupon telephoned Washington. After doing so, he informed the Judge that the records of the Justice Department showed that Lautner was employed at \$125 a week. This is in flat contradiction to the Attorney General.

Case of the Baltimore Grandmother

That the Attorney General is in no mood to reform the informer system was revealed when he was questioned about the Karpuk case by Peter J. Kumpa of the *Baltimore Sun*. Mary Karpuk is the 61-year-old Baltimore grandmother who had been ordered deported after two professional informers, Leonard Patterson and Earl Reno, identified her as a Communist.

On April 14, the day before the Attorney General's press conference, the Board of Immigration Appeals reversed the deportation order. The Board analyzed the informer testimony and found it unworthy of belief. In addition the Board criticized the way in which Department of Justice investigators had led these two informers to identify Mrs. Karpuk as a Communist.

They were asked whether they had ever known a Mrs. Karpuk in the Communist party. When they said they had, the investigators showed them several pictures of the accused woman taken at different times. Patterson identified one and Reno another. The pictures of Mrs. Karpuk were not shown with photographs of other people to test whether Patterson and Reno "were qualified," as the Board said, "to positively identify the respondent." This is obviously poor police tactics if an honest identification is desired.

The *Baltimore Sun* reporter asked whether the Attorney General in view of these findings would use Patterson and Reno "again in a future case?" Brownell replied, "If they had

They Sure Were

"This internal evidence of perjury and my belief that Matusow had no scruples against it compel me to find that all of his testimony which attributed to the Communist party or to any of the defendants an intent that the Government be overthrown by force and violence was false. . . .

"Defendants originally made the accusation that Matusow's perjury was suborned by the Government attorneys, but that charge is not being pressed. It has proved to be without foundation. The specific charges against [Roy] Cohn were conclusively disproved. The other charges made against Government attorneys are categorically denied by them. I cannot accept the word of a proved perjurer against theirs and the circumstantial evidence is all in their favor. I find that all of Matusow's fabrications were his own suggestions. By hindsight we can see that the Government attorneys were credulous. . . ."

—Federal Judge Dimock, ordering a new trial for Alexander Trachtenberg and George Blake Charney under the Smith Act.

facts which were important to the case and after we checked their testimony in ordinary course and found it to be reliable, we would, yes."

Doesn't Want to Be "Impertinent"

Kumpa then asked whether he thought the method used in the Karpuk case was "the proper way to identify an individual." The Attorney General replied only, "That's not the usual way." When pressed for comment on the Board's findings about these two informers, he said it would be "impertinent for me to comment."

"General," Anthony Lewis of the *Washington Daily News* then asked, "perhaps what the gentleman is getting at is this—sometimes you have a case in which one or two persons accuse a man of something and eventually the defendant or the person accused is cleared. Now, another one that comes to mind involves the same accusers or two people on that list of consultants—anyway Ralph Bunche. Now, when eventually the person is cleared, the public feels well shouldn't something be done about persons whose accusation was apparently incorrect. What should be done to prevent—"

The Attorney General broke in to say evasively, "Well, that keeps us pretty busy because there are tens of thousands of indictments every year where there is no conviction."

At that point the press gave up.

In the Bunche case, the accusers were Leonard Patterson and Manning Johnson. A UN loyalty board, in clearing Bunche, referred their testimony to the Justice Department for possible perjury action. No action was ever taken and both men are still "per diem consultants."

P.S. Though the reporters asked sharp questions, very little of this got into their papers.

Professional Ethics As Practiced at the Department of Justice

It is a violation of the Canon of Ethics for a lawyer to discuss in the newspapers a case pending in the courts. The U.S. Supreme Court recently heard the Justice Department's argument in the Peters case and is now preparing its opinion. In the April 29 issue of *U.S. News & World Report*, the Attorney General reargued the case in public.

U.S. News features on its cover "Shall Doors Be Opened to Spies and Subversives?—Asks Attorney General Brownell in an exclusive interview." The interview is concerned with the need for secret informants and for denying ac-

cused persons in loyalty cases the right to confront their accusers, a rehash of his brief in the Peters case.

This is the second such unprofessional incident in connection with this case. In March, Warren E. Burger, Assistant Attorney General in charge of the Criminal division, called in a dozen newspapermen for a private "briefing" on the Peters case. Without revealing their source, they thereupon wrote "dope" stories (as in the *Washington Star*, March 28) intended to build up public support for the government's point of view in the Peters case.

Mrs. Shipley For the First Time Is Ordered to Answer Questions**An American Scientist Challenges the Passport Czarina**

If you can imagine someone bold enough to ask riddles of the Sphinx, you have some idea of the effrontery involved in asking Ruth B. Shipley to explain why she has denied a passport to Dr. Martin D. Kamen. Mrs. Shipley, Chief of the State Department's Passport Division for 27 years, usually answers to no one. But she and Secretary of States Dulles have been sued by Dr. Kamen, an internationally-known biochemist, who claims they violated his constitutional rights in refusing to let him leave the U. S. And she has been ordered to give a deposition before she departs for a European vacation on May 6.

But Mrs. Shipley will be spared the hurly-burly that sometimes occurs when depositions of lesser personages are taken. The court ruled that all questions must first be submitted to her in writing. Then she will answer them. One must not expect too much. She will not answer anything that touches on classified information. But she is sure to give some insights into the internal workings of her section. And Dr. Kamen, who has been put off repeatedly since 1947 with the

U. S. Iron Curtain at Bandung

Louis Lautier, covering the Asian-African conference for the newspaper, Afro-American, reported from Bandung in its issue of April 23 that the delegates greeted with applause lengthy messages from Dr. W. E. B. Du Bois and Paul Robeson. Both said they were unable to obtain passports to attend the conference. Dr. Du Bois founded the Pan-African Congress in Paris 30 years ago. The world's best known Negro historian and America's most famous Negro artist thus advertised to the meeting of the colored powers that the U.S.A. now has an iron curtain of its own, and denies the right to travel to persons of whose ideas the American State Department disapproves.

stock statement that "his travel abroad would be contrary to the best interests of the United States" may at last get into a court record some of the thinking that lies behind the State Department's refusal to let him leave America.

Dinner In A Goldfish Bowl

Kamen is well-aware of the incidents in his past that made him an object of suspicion for a time. Most publicized was a dinner he had in 1944 with two Russian vice-consuls while he was in San Francisco working in the Manhattan Atom Bomb Project. This historic meal occurred in Bernstein's Fish Grotto and the spies outnumbered the guests. The security agent who regularly tailed Kamen was there. And FBI agents, in an adjoining booth, recorded the table conversation.

Because of that dinner, Kamen was accused of an indiscretion, forced to resign from the Project, and has been haunted since by charges that he passed secrets to the Russians. But he claims he met one of the consuls casually at a cocktail party and only tried to help him get radioactive treatment for a consular official dying of leukemia. When the Russian asked him to dinner, Kamen, who denies any Communist af-

First Test of New Travel Queen

First test of Mrs. Shipley's successor, Miss Francis Knight, will be the application made by Owen Lattimore for a passport. The famous Far Eastern expert and scholar, whose perjury case is still in the courts, has been invited to lecture abroad by a half dozen European universities and learned societies. He is scheduled to lecture at Oxford late this month and before the Rome Congress of the Historical Sciences in September. His application was filed March 12 and the State Department told the Baltimore Sun last week it was still being considered. Said a spokesman for the passport division, "It is kind of a complicated matter."

filiation or sympathy, says he went out of curiosity and did not divulge any atomic secrets.

By now there is more than his own denials to refute the old charges. In 1948 he testified before the House Un-American Activities Committee. And the Committee, which is not noted for charity, called him a "frank" witness and said it was "inclined to believe that Kamen committed a serious act of indiscretion rather than an act of espionage." In 1951, when the Chicago Tribune exhumed the old rumors and described him as a spy and traitor, he sued for libel and has just collected \$13,500 damages.

Kamen might reasonably be said to have cleared his name. But he has not impressed Mrs. Shipley. In a letter she sent him in 1953, she repeated the old charges as grounds for the latest refusal. Yet neither she nor the government, during Kamen's appeal from her ruling, has ever presented any fresh evidence to support these worn accusations.

The A.E.C. Cleared Him

Then why is Kamen kept here? It might be argued that since the government once thought him "indiscreet" it fears to let him go abroad. But no such fear exists. According to his attorney, Nathan David, both the A.E.C. and the Army have told the Passport Division they do not object to Kamen leaving the country. This suggests then, that Kamen, who has been forced to forego a lectureship in Israel, a visiting professorship in Australia, and numerous conferences vital to his work, may be a prisoner here because Shipley wants it so.

Support for this suspicion is found in an interview reported in the Yale Law Journal for Feb., 1952. There Mrs. Shipley admitted the A.E.C. did not object to Kamen's leaving but said that had nothing to do with it. She cited his testimony before the Un-American Activities Committee, an appearance that has generally been considered a triumph and a vindication for Kamen and said, "Well, I think that sums up the situation."

If this is all that keeps Kamen here one might expect a change since Mrs. Shipley, now 70, retired April 30. But there will be none. She hand-picked her successor, Frances G. Knight. The appointment is not subject to Senate confirmation and Dulles has approved it despite a warning from Rep. Celler, for one, that Mrs. Knight was a reputed member of Sen. Joe McCarthy's "loyal American underground."

Westbrook Pegler Confirms The Weekly's View of Mrs. Shipley's Successor

"The appointment of Miss Frances Knight to Mrs. Ruth Shipley's old job of chief of the passport division of the State Department is a heartening victory. . . . This division is invested with arbitrary legal authority to reject applications for passports for Communists and persons who have truck with them.

—Westbrook Pegler, New York Journal-American, April 14, in a column attacking the Washington Post, the New York Post and Stone's Weekly (March 14 issue) for criticizing the Knight appointment.

"Frances broke in with Hugh Johnson in the crazy Fascist experiment called NRA but she seems to have been a pro-American undercover agent in the bureaucracy. She bored into the bureaucracy in the heyday of the Acheson-Hiss cabal and actually was the source of most of the information which Joe McCarthy relied on in his original speech on traitors and perverts in State."