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The William W. Remington case

Jones, Lee W., Ph.D.

City University of New York, 1989

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THE WILLIAM W. REMINGTON CASE

by

LEE W. JONES

A dissertation submitted to the Graduate Faculty
in History in partial fulfillment of the
requirements for the degree of Doctor of
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1969

This manuscript has been read and accepted for the Graduate Faculty in History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

24 April 1989
Date

Arthur Coleman Jr.
Chair of Examining Committee

April 25, 1989
Date

Robert E. Ball
Executive Officer

Richard C. Drake
Robert E. Ball
Supervisory Committee

The City University of New York

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CHAPTER 1

BENTLEY TALKS TO THE FBI

In deciding to "turn herself in" to the FBI, Elizabeth Bentley made a move which, according to one historian, was "to leave its imprint on the political history of the post-World War II decade."¹ Bentley first met with the Bureau on August 23, 1945, choosing their New Haven office because she felt it "safer"² than the New York headquarters. By her account she related the highlights of her espionage story on this initial visit, after which she was told that she would be notified about a subsequent meeting. It was not, however, until October 17, 1945 that she was summoned to return. She attributed the slowness of the FBI's follow-up to the fact that they knew who she was. It was her belief that they had been following her for years,³ and hesitated to take immediate action because they "suspected it might be a trap set by the Russian Secret Police."⁴

In her biography she portrays her decision to give herself up as arising from a mixture of disillusionment and altruism. She had eventually come to see the Communist Party of the United States and its spy rings as "only a

dirty racket and not an ideal movement."⁶ She talks, in a July, 1948 account to the New York World-Telegram, of having become "appalled at the enormity of the crime she and others were committing . . . ," and of finally recognizing "that the once small service she gladly had given the Communist Party had mushroomed into a gigantic, treasonable assignment for the Soviet Union."⁶ She speaks in her book of a feeling of victimization by Communist manipulation: "We were the sheep and we had, with the best of intentions, been led astray; . . . we had gone too far ever to turn back."⁷

Bentley was also moved by a desire to prevent her "Washington comrades from being turned over to Russian agents."⁸ She sought to accomplish this through her "defection" and consequent informing on them. She found solace in the thought that once they were back in a "normal life" they might be able "to find their way back to that integrity which they had lost;"⁹ in her view, there was "no other way to smash the Soviet machine."¹⁰

Another factor in her defection in the fall of 1944 was her extreme loneliness after the death of her espionage boss and lover, Jacob Golos. Up to that point she had derived a certain element of romance and companionship from her party involvement. Just prior to her membership she was at a low point in her life. She spoke of "loneliness and despair crowding in on" her and

lamented that she "craved companionship desperately."¹¹ After joining, she was in a state of euphoria, as shown in the following passage from her book:

. . . it was a beautiful world, full of hope. Mingled with a sense of profound peace was a strange exaltation. . . . We will build a new world . . . a world in which there will be no suffering, no poverty, no pain!¹²

Golos's death removed some of the positive factors which had both kept her in the Party and induced her to enter the Communist underground. She lapsed, after Golos' death, into a miserable depression, evidenced by the periodic cries in her book about her isolation and aloneness. The following excerpt captures this mood:

In the summer of 1944 my weariness and loneliness and growing disillusionment made time seem an endless procession of dreary days . . . I still missed Yasha (Golos) terribly. And always at night there was that empty apartment, with no Yasha waiting for me.¹³

In such a state of mind, the "outside world" began to exert a greater pull. Even the FBI, which had once been the epitome of everything she hated, came to have an appeal. Indeed, her description of a young man she suspected as an FBI "tail" bordered on the seductive:

. . . my front doorbell rang . . . and when I answered it, I found a tall, dark athletic-looking young man in the entrance. . . . He looked very nice--just like any other clean-cut young American; his eyes too, interested me--they held none of the ugly hate and fear that so characterized the N.K.V.D. agents.¹⁴

By November, 1945, the FBI had decided Bentley was an important "Communist defector" and during that month

they interviewed her fourteen times.¹⁶ On November 30, 1945, she signed a statement summarizing her story. In this account she told them how in 1934, while attending Columbia University, she joined a Communist Party "shop unit."¹⁸ As a Party member she said she participated in Communist demonstrations, was a liaison between the Party and unions, and worked with the American League against War and Fascism.¹⁷ During her two and a half years as an "open" member, however, she spoke of taking little part in direct Communist activity.¹⁸

After various odd jobs, she told of becoming, in July, 1938, a secretary at the Italian Library of Information in New York City, the American division of the Italian Propaganda Ministry.¹⁹ When she learned that the Library was a fascist propaganda center, she passed on the information to F. Brown (also known as Feruccio Marini), a leading Italian Communist and a Soviet agent in the United States. Brown urged her to learn as much as she could about the operation. He also told her to disconnect herself from the open Party. She subsequently became unhappy, however, with what seemed to her a lack of interest at Communist headquarters, and in October 1938, Brown made Jacob Golos her contact.²⁰

According to Bentley, she then became an "underground" member of the Party.²¹ Her responsibilities were to just one person, and she was instructed not to

attend party meetings or maintain contacts with other Communists. She claimed it was quite a while before she understood Golos' real role. To her he was known only as Timmy.²² In actuality, he was a top man in the N.K.V.D., the Russian secret police, and was a member of the powerful three-man Control Commission of the American Communist Party. He also ran World Tourists, a travel agency "front" the Party had supposedly started for travel in Russia.

In the spring of 1939 she became Golos' assistant, and eventually his mistress.²³ Her first duties in the former role were as a mail-drop and researcher. According to Bentley, most of the mail was from Canada and Mexico, though it stopped when Trotsky's chauffeur was killed in Mexico in a frustrated attempt on Trotsky's life.²⁴ Her research work consisted of assignments such as reports on Mexican election results and long studies of political figures.²⁵ In July 1941, she took on a more important role: that of espionage contact.²⁶ Golos requested her to serve as the Party channel to United States Government employees with access to information of possible value to the Russians. She continued in this role until late December 1944.

The information she received from her contacts was of two sorts: military and political.²⁷ The former might be hard data, such as airplane or tank production figures; the latter consisted of political or diplomatic information,

such as the attitudes of U.S. officials toward Russia. She met most of her informants in Washington and a few in New York.²⁸ At a typical meeting she would bring them Party literature, and they, in turn, would give her their Party dues and the information they had obtained--either orally, on film, or in documents.

At the peak of her work as a courier, according to her account, over forty people were reporting to her either directly or indirectly, and she was making biweekly trips to Washington to get information from her more important sources.²⁹ Nearly every major government agency contained a contact. While she could not say specifically to whom her superiors gave the information she turned over to them, she did assert that Golos selected out the most important political material to show to Earl Browder.³⁰

Bentley's most important alleged espionage contacts were with a Washington group headed and organized by Nathan Gregory Silvermaster, an economist with the Farm Security Administration. Silvermaster was born in Russia, and from Bentley's account, was a long-time friend of both Earl Browder and Jacob Golos.³¹ He is described by one writer as having "obviously important contacts," and as moving in "high circles of policy and decision."³² According to Bentley, he volunteered to set up "a group of Government employees" to help in getting information to Russia.³³ The so-called Silvermaster group was eventually

comprised of people from several agencies of the government, but it had a "core centered in the Treasury Department" which, according to Earl Latham, was "distinguished by the professional quality of its members and the importance of the positions they occupied."³⁴

Bentley's association with this group lasted from July 1941 until sometime in 1944. She visited Washington roughly every two weeks during this period, and claimed that she obtained the information assembled for her at the Silvermaster home. Much of the material had been allegedly photographed, some in her presence, on microfilm machinery in the Silvermaster basement.³⁵ Others allegedly working in this group were Solomon Adler, Frank Coe, Mrs. Sonia Gold, and William Taylor. Also in the Silvermaster "cell," Bentley claimed, were Lauchlin Currie, one of President Roosevelt's administrative assistants; Mrs. Gold's husband, Bela, an economist at the Board of Economic Warfare; Irving Kaplan, an employee of the War Production Board; Abraham George Silverman, a statistical economist with the Railroad Retirement Board; and Silvermaster's wife, Helen.³⁶

According to Bentley, Silvermaster's material was generally military information, especially from the Air Corps, which she described as production information dealing with:

. . . their destinations to various theaters of war and to various countries, new types of planes being put out, information as to when D-Day would be, all sorts of inside military information.³⁷

Bentley told of initially taking documents and then photographs, and that she "carried it all in a large pocketbook to New York, 'or in a knitting bag or a shopping bag or whatever was handy, depending on the size of the collection. '"³⁸

She met with another espionage group headed by Victor Perlo, an economist with the War Production Board. She reportedly had her first contact with this group at the New York apartment of John Abt in March 1944, after Golos had died. The "Perlo" group sent its information to New York, with a variety of people, including Perlo (whom she claimed to have met approximately nine times) serving as messengers.³⁹ Reportedly in this group were Edward Fitzgerald of the War Production Board; Harold Glasser, an assistant to Harry Dexter White at the Treasury Department; Charles Kramer, an employee of various Senate committees; Harry Magdoff of the Commerce Department; Allen Rosenberg of the Foreign Economic Administration; and Donald Wheeler of the Office of Strategic Services.

While the quantity and type of information Bentley received from the Perlo group are barely known, she did describe one kind of secret aircraft production material that consisted of "information about the production of aircraft, the location of engine-making plants, and the location of factories making struts, wings, aircraft

armament, B-29 synchronized turrets, . . . (and) . . .
automatic computing aircraft gunsights. . . ."40

In addition to these two groups, she claimed to meet with a number of Washington contacts unconnected with any particular group. Several, she said, worked at the Office of the Coordinator of Inter-American Affairs-- Joseph Gregg, Robert Miller, Willard Z. Park, and Bernard Redmont. She had a long and supposedly productive contact with Mary Price, Walter Lippmann's secretary. Price allegedly gave information from his files which dealt with top-level activities in the Government.⁴¹ Several of the "at-large" contacts were employees of OSS--Maurice Halperin, Bella Joseph, J. Julius Joseph, Duncan Lee and Helen Tenney.

William W. Remington, the subject of this paper, was also one of her "at large" contacts with the War Production Board, though by her account, he was one of her least fruitful sources of information.⁴² Remington is described by one writer as being like Alger Hiss, a rising young New Dealer and a "brainy product of the best American colleges"⁴³ (in Remington's case Dartmouth College and Columbia Graduate School of Economics).

While the circuitous circumstances of the Bentley-Remington "connection" will be dealt with in more detail later, their outline can be sketched here. After an upbringing in a well-to-do, suburban New Jersey household,

he became, by his account, increasingly attracted to Communist causes and beliefs during his college years, the Depression-"Popular Front" 1930's. After Remington married an ardent Communist just prior to his senior year, his radical predilections, which might ordinarily have been modified by such factors as maturity, real-life experience, and career ambitions, were to be sustained (at least privately). It was through the Communist connections of his in-laws that Miss Bentley was introduced as, by Remington's account, a leftist news reporter.⁴⁴ According to his wife, however, she was to be their Communist Party liaison.⁴⁵

Bentley's November 30, 1945 statement contained only a sketchy outline of her association with Remington, which is perhaps not surprising since he was one of more than a hundred people named by her. From that group, the FBI deemed it of sufficient importance to investigate fifty-one, and of these, twenty-seven were employed in agencies of Government as of November 7, 1945. By July 1948, when Bentley first publicly testified, however, only two, Remington and Solomon Adler, were still in Government.

Bentley's written statement alleged that Remington had been introduced to Golos by Joseph North, a member of the Board of Editors of the Communist magazine "New Masses," who was, according to her, a "person of some standing in Communist circles."⁴⁶ She was formally

introduced to Remington and his wife, Ann, at a dinner in New York City, and thereafter, on Golos' instructions, called Remington frequently on her trips to Washington in 1942 to 1944. She claims that Remington gave her charts setting out airplane production and, as she put it, "other matters concerning the aircraft industry that would have come through his hands in the course of regular business as an employee of the War Production Board."⁴⁷ He also allegedly gave her scraps of paper on which was scribbled additional airplane data, such as airplane tests and production figures. Also available in this form was information on experiments to obtain high octane gasoline. Bentley said she believed Remington copied this information "from official reports"⁴⁸ and from other information that came into his possession through official channels.

She said that he gave her further information gleaned from conversations with government officials and various other employees "he would see in the normal course of his duties."⁴⁹ She recalled that he had told her about a new process that had been developed for the manufacture of rubber out of garbage, but she belittled its significance, calling it "quite vague and probably of no value even to a chemist."⁵⁰

Bentley also contended that Remington was a dues-paying Communist Party member, and that on her Washington visits she periodically obtained his payments.

One of her most significant accusations against Remington was that he recruited a friend, Bernard Redmont, into the espionage ring.⁵¹ The reported sequence of events was as follows: after Remington mentioned where Redmont worked and that "he might desire to cooperate with her," she discussed with Golos the possibilities of using him as an agent. Golos advised her to get Remington's aid in securing Redmont's cooperation. She and Golos subsequently met Redmont in New York, and told him that they sought any information that came into his possession. Her contacts with Redmont were quite brief: "between the Spring of 1943 and August 1943," and several of their meetings included Remington. His information was non-confidential, consisting principally of cables, intercepts and other data relating to Latin America.

Several "problems" arise concerning Bentley's account of the circumstances of her early meetings with the FBI. For one thing, the FBI explicitly (but privately) contradicts Bentley on the question of when she first mentioned espionage.⁵² They maintain that the subject never came up until a month and a half after she had first come to them. According to the Bureau, the only thing discussed during the first two visits on August 23, 1945 and October 16, 1945, were her suspicions that the man she was dating was impersonating a Government officer. An FBI memo dated November 27, 1945 declares that the "espionage" aspects of

the case only came to the attention of the Bureau on November 8, 1945,

. . . when Elizabeth Bentley, an official of the United States Service and Shipping, Inc., New York City, came in to the New York office of the Bureau and stated for the past 11 years she had been actively engaged in Communist activity and Soviet espionage.⁵³

What is enigmatic about this discrepancy and the others that follow, is that, while the FBI was aware of the differences between their story and Bentley's (they carefully monitored her statements to catch possible inconsistencies), they nonetheless fail to apprise her of the "error," or try to correct her. Beyond this, they publicly vouched unconditionally for her accuracy. Hoover said in 1953:

All information furnished by Miss Bentley, which was susceptible to check, has proven to be correct. She has been subjected to the most searching of cross-examinations; her testimony has been evaluated by juries and reviewed by the courts and has been found to be accurate.⁵⁴

In private FBI⁵⁵ accounts, however, they pointed up "inaccuracies" in two other areas: the Bureau's involvement in her final contacts with Soviet espionage agent Anatoli Gromov, and her motivation for defecting to the FBI. Her version of the Gromov meeting was that she was acting under the advice and observation of the FBI when she met him in New York on October 17, 1945 and was handed \$2000 for her past espionage services. In her Senate testimony of July 30, 1948, she described what happened

just prior to this meeting:

The day previously I had spoken to the FBI agent I was in contact with, had informed him I was meeting this Russian agent, and had asked for instructions. He said, 'Keep in contact with him; don't let him know that you are suspicious, and do anything which is necessary to keep in touch with us so that we can continue with the job we are doing.' Neither he nor I knew that Al would turn up with \$2000.⁶⁶

Though Bentley admits that the FBI never actually told her they observed the transaction, she adds in her book that she had "every reason to believe they did."⁶⁷ Furthermore, as seen above, she was insistent about the fact that the FBI knew of her espionage involvement prior to the time she received the payment. The following dialogue from her Senate testimony reiterates this point:

Mr. Hebert. At that time . . . (October 7, 1945)
. . . you were acting under instructions and in full cooperation with the Federal Bureau of Investigation?

Miss Bentley. Yes, that is right. In fact, that was the only consideration under which I would have taken the money.⁶⁸

The FBI asserted quite the contrary. In their memo of July 27, 1948, they stated that at the time Bentley "was not under surveillance . . . since the Bureau had no knowledge of her activities as of that date."⁶⁹ They admitted that they did witness a Bentley-Gromov meeting in New York City, but that it was not until November 21, 1945, long after she had received the money.

The FBI also cited the following discrepancies concerning Bentley's public assertions that she went to the

Bureau because of a "New England conscience" that had made her "appalled" at her actions:

The statement that the informant became appalled at the enormity of the crime she and the others were committing . . . is not consistent with information furnished by Gregory (their code name for Bentley). Gregory stated that she discontinued her activities in Soviet espionage because all of her contacts were taken over by the Russians and further, because of threats she had received from Lem Harris, the Financial Director of the Communist Party, in November 1945, wherein Harris stated that if she did not return to him the \$15,000 that Earl Browder allegedly had put into the U.S. Service and Shipping Corporation, that he, Harris, would 'blow her to Hell.' It was because of these reasons that Gregory came to the FBI¹⁰

Elsewhere they suggest another reason for her confession: "It is possible that this disclosure . . . (of her espionage) . . . was a result of her suspicions of Lt. Heller as a Government agent." (Heller, alluded to earlier, was the fellow she was dating).

The contradictions about Bentley's motivation and the Gromov meeting are perhaps easier to explain than the discrepancies over the August and October meetings. The fact that the FBI felt moved to discount Bentley's belated repentance as a motivating factor is interesting in itself, but it is perhaps an overly literal interpretation of something she may have felt but did not express at the time. The most logical explanation for the differences about the Gromov meeting is that Bentley confused the October 17 and November 27 meetings.

As for what actually happened at her first two

meetings with the FBI, one can only speculate. Bentley's cross-examination at the first trial suggests a possibility. When asked what she told the FBI in New Haven, she said the following:

A. I told the man there that I was working for a firm dealing with Russia, that I was mixed up with undercover activities, and he said, 'Go on back home, we will get in touch with you.'

Q. You did not tell him then--you did not give him in New Haven any details of your activities?

A. I gave him broad things, and he said to go on home and they would get in touch with me, which they did.⁵²

One gathers from the above account of the meeting that she was not very explicit then about her espionage activities. The most obvious proof of this is that the FBI was not ready for any major revelations when she went to their New York offices on October 17. According to Bentley their "expert on communism" was not even there, and she was told, remarkably, to come back later when he would be.⁵³ This account suggests that it may have been a combination of her beating around the bush and FBI red tape which delayed the follow-up of her story. What is essentially irreconcilable with this version however is the FBI's denial that there was any mention of undercover work before November 8, 1945.

The Bentley-FBI discrepancies illustrate several things which are important throughout the Remington story: the difficulties entailed in accurately recalling facts over a long period of time, and the FBI's public silence

about information of potential damage either to their image of efficiency or to the success of the prosecution. It may have been felt, in reference to the latter, that alterations in Bentley's "public" story, would raise questions about her credibility.

As for the question of Bentley's overall credibility, there are a number of historians who point up serious weaknesses in her story, such as a "nearly total lapse of memory" on the "precise information"⁶⁴ she received, the occasional tendency toward "contradiction, invention, and ambiguity"⁶⁵ and the fact that "her accusations were for the most part uncorroborated and incredibly vague."⁶⁶ Nonetheless, her story is, as historian Earl Latham points out, "still largely unrefuted."⁶⁷ While "a mere courier" and "not the spy queen"⁶⁸ portrayed in sensational headlines, there appears to be a general feeling that the broad outline of her story is correct.⁶⁹ Latham, for one, argues that her account is "substantially acceptable"⁷⁰ and that he has "come across no argument against the credibility" of her main story which seems "convincing enough to suspend the tentative conclusion that most of what . . . (she) . . . said was correct."⁷¹ It will be one of the purposes of this paper to examine the matter of Elizabeth Bentley's credibility, at least insofar as it relates to the Remington case.

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2. Elizabeth T. Bentley, Out of Bondage (New York: Devin-Adair, 1951), p. 287.

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52. FBI, Remington Memorandum, November 27, 1945.

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65. Latham, Communist Controversy, p. 159.

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CHAPTER 2

FBI SURVEILLANCE OF REMINGTON

The FBI soon began what it called a "most extensive" Bentley investigation. They recognized, however, that there would be difficulty in verifying her story due "to the number of years that had elapsed between the time it was reported and the time the activities took place." They chose to focus on those individuals in Washington and New York regarded as "the most important in the light of their Government positions and their comparative usefulness to the Russians as reflected in Bentley's statement."¹ The investigation consisted at first of technical and physical surveillance and mail covers. The physical surveillance was not continuous but was instituted when they felt that the information received from technical or other sources warranted it.

It was on November 17, 1945 that J. Edgar Hoover wrote the Attorney General requesting authorization for a phone tap on Remington's residence, and on December 11 of that year, the tap was installed. Remington was one of thirty-two people accused by Bentley to have one of these devices in their homes.

Systematic physical surveillance of Remington was also instituted at the same time. In addition to following Remington and his wife to social affairs, the physical coverage entailed going along with him on several short trips. Though the FBI did not apparently learn anything of real importance by these latter efforts, their accounts provide a telling glimpse into the FBI's methods and operating assumptions. The first trip they covered was a December, 1945 visit to Williams College to interview for a temporary teaching position. (Remington had completed all the requirements for his Ph.D. in economics except his dissertation.) One thing that is striking about their coverage on this trip is their remarkable attention to minute and seemingly inconsequential detail. They describe Remington's satchel, for example, as "a black leather bag about 24" long, 18" high, which narrowed at the top with double handles . . . and was about 4" to 5" in width."²

The Bureau's coverage of Remington's return trip to Washington is noteworthy for its ludicrous denouement and for its biased portrayal of the subject. The latter is evidenced by FBI agent Isiah T. Woodbury's description of Remington's hasty exit from his Grand Central train to catch a Penn Station connection. The agent describes Remington as leaping "like a fleeing criminal from the train."³ At that point ensued what must have appeared a humorous spectacle--Woodbury, along with two other New York

agents, frantically chasing the sprinting Remington through the station, managing to catch up with him just as he went through the subway turnstile.

During their surveillance of Remington, the FBI turned up little of what they called "derogatory information"--and indeed, what they regarded as worth mentioning in this category appeared to range from the tangentially negative to the absurdly remote. They contacted, for example, their Newark indices for negative data on Remington's parents and found it worthy of note that the subject's mother had been reported to be a member of the Ridgewood, New Jersey Co-operative as of September, 1938.*

They even investigated Williams College. In this probe they unearthed the seemingly unconnected fact that the director of the college's program of expansion, historian Frederick L. Schuman, had been attacked in the New York Times and the Boston press as a Soviet apologist, and that he was the subject of a "closed Internal Security case."*

What the phone tap and physical coverage showed, at least on the surface, was the Remingtons living a normal, active "middle class" existence. They had a busy social life, attending square dances nearly every weekend and holding many dinner and cocktail parties.*

Politically they appeared to be "middle of the

road"7 liberals. Remington belonged to and attended meetings of the Alexandria Democratic Committee. Ann Remington appeared even more involved politically. She was co-chairman of the Fairfax County League of Women Voters, and was involved in a variety of ostensibly liberal causes. She attended meetings for civilian control of the atom bomb, lobbied for price controls, wrote letters to Congress urging them to vote against an anti-labor bill, and took part in emergency food collections.

One feature of their behavior and social life which is noteworthy, and indeed surprising for two supposedly Russian spies, is their conspicuous penchant toward "Russophilism." Remington's friends and activities exemplify this pro-Russian propensity.

One friend, Fred Neal, was a Russian interpreter, recently returned from Siberia, seeking government work related to Russian economics.⁹ Other friends, the Webbs, were going to the Institute for Russian Studies.⁹ Another couple, the Ward Allens, studied and practiced Russian when they visited the Remington home¹⁰--as did the Neals. The latter is evident from a phone conversation in which Mrs. Remington and Mrs. Neal made plans to "talk some Russky"¹¹ with another couple. Still another friend of Mrs. Remington's, Madeline Weir, made a point of inviting the Remingtons to a particular party because "she had some Russian friends she thought . . . (they) . . . would like

to meet."¹² On another occasion the Remingtons were invited to a fund-raising dinner sponsored by the American Society for Russian Relief.¹³ Ann Remington was quite sympathetic to the above cause, as evidenced by the fact that in December, 1945, she herself had helped organize a fund-raising party for allied relief from which Russia was to receive some of the receipts.¹⁴ One of her assignments was to contact the Soviet Embassy to inquire about how to dispense with the money allotted to Russia.

Another instance of Ann Remington's unconcealed interest in Russia was a request to a friend to invite "one of the Russians who works for UNRRA" to give a talk to the Alexandria branch of the League of Women Voters.¹⁵

In researching Mrs. Remington's family, the FBI discovered that her mother had been, and still appeared to be, an active member of the Communist Party in New York City. Their report maintained that Mrs. Moos had had such a widespread reputation as a pro-Communist in her home town of Croton, New York, that she had been removed from her position as educational director of the Hessian Hills School there.¹⁶ She had also reportedly headed an educational program for an organization called the National Council of American-Soviet Friendship, which circulated Soviet propaganda in American schools and attempted "to determine the extent of Soviet materials in the curricula of American primary and secondary schools."¹⁷

An interesting commentary on the FBI's position toward racial issues of the day is their inclusion of Mrs. Moos' concerns "about race" under the category of her "subversive" interests and involvements. They cite under this heading her teaching first aid to "negro women."¹⁸

It is hard to tell what the FBI actually thought of the above behavior and associations because they do not specifically discuss them in their various reports. In their only general reference they merely point out that in the co-operative housing development where the Remingtons live, the families are "known to be pro-Russian and members of Communist front organizations."¹⁹ They do not elaborate on this nor do they cite any source for the assertion.

The Remington's "Russophilism" certainly seems to be of an innocuous and unsinister sort. It does, however, raise a few general issues. For one, there is the question of whether it was a tendency pleasing to both the Remingtons. An imminent divorce and Mr. Remington's subsequent citation of a dissatisfaction with his wife's pro-Russian behavior suggests it was not a mutual interest, though there is nothing in the surveillance showing it to be displeasing to him.

It is not, however, the type of behavior one would expect from an ex-spy or even from one suspected of having had Communist "affiliations." Indeed, Remington told one friend that he still felt a degree of insecurity about his

"standing" on such matters. In a phone conversation with that friend, Merwyn Tobias, who himself was about to undergo a Civil Service Commission hearing, he stated that he "didn't know where" he stood concerning such issues because he "had been investigated by every agency in town and . . . (had) . . . just nicked by by the skin of . . . (his) teeth."zo

Perhaps at this point, it would be appropriate to examine the past investigations to which Remington was referring.

NOTES--CHAPTER 2

1. FBI, Remington Memorandum, May 7, 1947.
2. FBI, "Gregory" Report, January 23, 1946.
3. Ibid., p. 3.
4. FBI, "Gregory" Report, February 5, 1946.
5. FBI, "Gregory" Report, February 12, 1946.
6. FBI, Remington Technical Surveillance Report, December 11, 1945-November 8, 1947.
7. FBI, Remington Surveillance Report, November 1, 1946-December 31, 1946.
8. FBI, Remington Surveillance Report, February 23, 1946.
9. FBI, Remington Surveillance Report, March 2, 1946.
10. FBI, Remington Technical Surveillance Report, January 25, 1946.
11. FBI, Remington Surveillance Report, February 19, 1946.
12. FBI, Remington Surveillance Report, April 14, 1946.
13. FBI, Remington Surveillance Report, April 22, 1946.
14. Ibid.
15. FBI, Remington Surveillance Report, January 6, 1946.
16. FBI "Gregory" Report, July 5, 1946.
17. Ibid., p. 2.
18. Ibid., p. 5.
19. FBI, Remington Loyalty Report, May 7, 1948.
20. FBI, Remington Surveillance Report, August 20, 1946.

CHAPTER 3

THE EARLY REMINGTON INVESTIGATIONS

1942 AND 1945

Remington was the subject of an FBI Hatch Act inquiry in 1942, and of a Naval Intelligence probe in 1944. The Hatch Act investigation opened on February 21, 1942. The Hatch Act was a law forbidding employees of the Federal government from "membership in any political party or organization which advocated the overthrow of our constitutional form of government in the United States."¹ The Naval inquiry was a routine investigation instituted after Remington applied for a commission. The lack of substantive findings, as well as the time elapsed since the conclusion of the investigations, makes Remington's statements to Tobias about his "uncertainties" seem exaggerated and uttered primarily to convey empathy for Tobias.

The Hatch Act investigation was instituted upon the allegation of an informant (the Remingtons' Washington landlord) that they had been active members of the American Peace Mobilization.² This organization, according to Earl Latham, was an alleged Communist front which launched a

"fake peace movement"³ to keep the United States out of the war. The investigation, which closed on April 1, 1942, sought to obtain full explanation for Remington's connections with suspicious organizations.

The only derogatory information received was the landlord's claim to have heard the Remingtons making phone arrangements to organize meetings of the organization. The informant drew the multifarious inferences that Remington was "a Communist, Fascist, Nazi or a staunch sympathizer of one or all of them."⁴

As part of the government's investigation, Remington had an interview and special hearing on July 23, 1942. Remington claimed that he had become involved with the American Peace Mobilization through a casual acquaintance of his wife.⁵ In a short while, he said, his wife was selected as secretary of the Washington branch, while he himself attended only a few of the group's executive committee meetings. He asserted that after attending several meetings, they gradually realized that the organization's position was complete American isolationism--something they vigorously opposed. He also maintained that his wife was dismissed from her position as executive secretary for asserting that Communists were not welcome in the organization. This portrayal of his wife's anti-Communism, it should be noted, is significantly different from his later position that she was extremely

pro-Communist.

Remington was subsequently questioned by the Civil Service Commission about membership in other alleged Communist fronts, and he admitted that he and his wife were occasional shoppers at the Washington Cooperative Bookshop, an institution cited by the Dies Committee as a "front."⁶ While he allowed that his wife was a member, he denied that either of them attended meetings of the group. He also volunteered that he met socially with some leaders of another alleged Communist front, the American Youth Congress. According to Remington, they asked he and his wife to do research.⁷ He denied, however, that either of them was actually a member of the organization. He declared, as was the case with the Peace Mobilization group, that once they discovered that it was Communist-dominated (when they refused to pass a resolution condemning Russia for her invasion of Finland) they never attended another meeting.

Remington denied he had ever been a member of the Communist Party and stated that neither he nor his wife were in sympathy with Communist ideals.⁸ He was politically astute enough to know what aspects of his ideological background to cite in order to support his denial. He emphasized, for example, the religious roots of the Dartmouth Student Union, a college organization he was "very closely associated with."⁹ When asked if his wife

was connected with any organization, he volunteered that she attended church.

Remington made a rather transparent attempt to ingratiate himself with the commission's conservative ideologues when he responds to their "Communist Party" inquiry by volunteering that he had belonged to the United Federation of Workers, a labor organization in Washington. The effort did not succeed, as evidenced by the huffy response of one interrogator: "Just a minute, you know the committee is not interested in your connections with any labor organization."¹⁰ Remington replied: "You asked if I had belonged to any organizations that were Communist." Remington, as will later become evident, was certainly too politically sophisticated to have equated a labor organization like the United Federation of Workers with the Communist Party. Resorts to such ideological artifices were an unwise and unfortunate strategy when the measure of the accused was to be their political integrity and honesty.

Remington showed a willingness to "inform," even in this pre-Cold War period, when he volunteers the name of a fellow government worker upon being asked to name anyone who seemed to hold a Communist attitude toward the war.¹¹

One of the fascinating things about the Hatch Act investigation is that it occurs during the period of Remington's early meetings with Bentley. As to the

significance of this simultaneity one can perhaps only speculate. It appears that there may be two possible and opposing conclusions that can be made. One, which is favorable to Remington, is the logical assumption that he would not knowingly have entered into an "espionage connection" at the very time when his Communist connections were being investigated by the FBI. This conclusion would support Remington's arguments that he met with Bentley thinking that she was a news reporter to whom he was giving public information. Another possibility is that Remington committed espionage despite this timing and circumstance, showing an amazing boldness in doing so. While the first conclusion is the more logical, one cannot rule out the second possibility.

The FBI appeared somewhat defensive in their later summaries of the Hatch Act investigation, perhaps a bit embarrassed that Remington was meeting with Bentley while he was under their investigation. They emphasized the "very limited scope"¹² of that probe, pointing out that its primary concern was the allegation that Remington had been active in the American Peace Mobilization. Evidencing perhaps a degree of "tunnelvision," the FBI asserted that the investigation was limited to Remington's activities in Washington and did not "explore his activities in other communities or his life history."¹³ This latter assertion is somewhat belied by the fact that they did gather

information about Remington's "TVA" activities during his year away from college. They knew, for example, as early as 1942, that one of his roommates had been a Communist party member and that another, an organizer for the CIO, had shared a Post Office box with the State Secretary of the Communist Party.¹⁴

What must have been even more embarrassing to the FBI, however, was the fact that, according to both Elizabeth Bentley and writer Oliver Pilat, Bentley and Golos were also undergoing FBI investigation and surveillance at the same time. Bentley, whose veracity, as mentioned earlier, the FBI publicly upheld, asserted that she was under "almost constant surveillance"¹⁵ by the FBI. Pilat, in his book The Atom Spies, states that the FBI kept Golos "under intermittent surveillance"¹⁶ from 1940 till his death in 1943.

Joseph L. Rauh, Jr., later one of Remington's lawyers, and Norman Redlich, a member of the New York bar, have both written articles on the questions and problems posed by this circumstance.¹⁷ According to these articles, the former of which was not published, Golos was in trouble as early as October 1939 when the records of World Tourists, Inc., the "front" agency he ran, were seized by government officials. Rauh cites in his essay a January 3, 1940 report in the New York Times that Attorney General, Frank Murphy, "filed accusations of espionage"¹⁸ in federal

court in New York against Golos and World Tourists, Inc. Murphy consequently ordered that the cases be presented to an extraordinary grand jury impaneled for the purpose of investigating espionage.

On March 14, 1940, Golos and World Tourists, Inc. were indicted for failure to register as foreign agents, and on March 15, both defendants pleaded guilty. Golos received a suspended sentence of four months in jail and a \$500 fine, and World Tourists, Inc. got a \$500 fine, also suspended.

Rauh cites as proof of the Bentley-Golos group's public notoriety Congressman Martin Dies' announcement that his Un-American Activities Committee was uncovering evidence of espionage by World Tourists, Inc. much more important than German espionage.¹⁹

Redlich argued that the strangest aspect of Bentley's story was that she was able to carry on her espionage activities for about three years after Golos had been exposed as a Soviet agent--travelling to and from Washington allegedly committing espionage for him. For Redlich, the "obvious question" is: "Where was the FBI during this entire period?"²⁰ As he says:

It seems incredible that a person who was maintaining an intimate relationship with a convicted Russian agent, and who later served as an executive of a business known to have secured false passports for Communists, could make biweekly trips to Washington to receive rolls of film undetected by the FBI. The acceptance of Miss Bentley's story requires an acceptance of an incredible degree of laxity on the

part of our federal law enforcement officials.²¹

The FBI's failure to detect Bentley's alleged espionage after having discovered both her boss and his front agency involved in such crimes (as well as one of her contacts allegedly having communist connections), has to be one of the more notable failures in the agency's investigative history. One possible explanation for this failure here may be the fact that Russia was an ally after June 1941. If this is the reason for their "lapse" it creates the ironic situation that the FBI and Remington both lost a proper degree of circumspection for the same reason: trust in an ally.

The Navy's 1944 investigation of Remington turned up no new "derogatory" information.²² He was, ironically, seeking a position with the Navy as a Russian translator and interpreter. In a painstakingly defensive effort, ostensibly to compensate for the Hatch Act inquiry in his past, Remington submitted a voluminous "supplemental personal history statement" designed to clarify what he called "the complex nature of his activities and associations between the ages of 16 and 23."²³ He felt such an effort necessary because as he put it:

. . . a partial review of my personal history which revealed only certain facts might result in my application for a Commission in the U.S.N.R. being rejected on the grounds that I may possibly be too anti-Russian to serve the Navy effectively as a translator and interpreter of the Russian language. It is also possible that a partial review of my personal history which revealed only certain other

facts might cause the rejection of my application on grounds that I may be too pro-Russian.²⁴

To answer the Navy's concern about his previous association with "controversial issues and organizations" he cited "everything . . . (he had) . . . ever done which might be construed as a connection with any liberal or leftist organization,"²⁵ including his union membership and his management of a student co-operative restaurant in college. In a broad statement summarizing his ideological past he states that "for practically ten years" he had been an "outspoken critic of totalitarianism in all countries (including Russia)."²⁶ He maintained, however, that because of the need for wartime co-operation he had managed to suppress his "deep dislike and distrust of dictatorship" by not making "any anti-Soviet remarks in public."²⁷

Information that will be developed about this period of Remington's life, shows that he was being less than fully candid about a consistently anti-Soviet past. There was an obvious stage (during college and for some time afterwards) of communist interests, associations and possibly more. While such thinking and behavior were not necessarily significant in and of themselves, his being less than forthright was important. For one, it said something about his integrity. For another, the postwar period was an era when ideology was sometimes seen as a preliminary or even an equivalent to treason. Attempts to

gloss over such a past took on new significance when discovered in a later investigation of his possible espionage involvement. Nonetheless, the Navy found no grounds for suspicion about Remington, and they accepted his application for a commission.

NOTES--CHAPTER 3

1. Latham, Communist Controversy, p. 363.
2. FBI, "Gregory" Report, May 27, 1948.
3. Latham, Communist Controversy, p. 155.
4. FBI Remington Hatch Act Report, April 1, 1942.
5. U.S., Civil Service Commission, Report of Interview and Special Hearing, July 23, 1942, p. 1.
6. Ibid., p. 5.
7. Ibid., pp. 9-11.
8. Ibid., p. 6.
9. Ibid.
10. Ibid.
11. Ibid., p. 3.
12. FBI, Report: "The History of FBI-Remington Investigations," May 11, 1950, p. 3.
13. Ibid.
14. FBI, Remington Hatch Act Report, April 1, 1942.
15. Bentley, Out of Bondage, p. 140.
16. Oliver Pilat, The Atom Spies (New York: G. P. Putnam's Sons, 1952), p. 20.
17. Joseph L. Rauh, Jr., "Spy Rings and Riddles" (unpublished, 1950); Norman Redlich, "Spies in Government-I. The Bentley Story," The Nation, January 1954, pp. 85-88.
18. Rauh, "Spy Rings and Riddles," p. 1.
19. Ibid.
20. Redlich, "Spies in Government," p. 88.
21. Ibid.

22. U.S. Office of Naval Intelligence, Report
Re William W. Remington, July 1944.

23. Office of Naval Intelligence to William W.
Remington, July 7, 1944, p. 1.

24. Ibid.

25. Ibid.

26. Ibid., p. 2.

CHAPTER 4

REMINGTON'S FBI INTERVIEWS

It was on November 16, 1946, that the FBI learned from a phone conversation between Ann Remington and her psychiatrist the dramatic news that she was contemplating divorce. The reasons given were adultery and that her husband was "ruthless where his interests are concerned."¹ The FBI appeared a bit confused about how to react to the Remingtons' "domestic difficulties." In a July 17, 1947 memorandum written to the FBI's New York office, J. Edgar Hoover suggests, on the one hand, that it "may be considered advisable and appropriate" to conduct an interview with Mrs. Remington "to obtain, if possible, an admission concerning her activities and the activities of her husband in connection with the case."² On the other hand, Hoover raises the following rather convoluted and ambiguously expressed objections to this course of action:

There is the obvious possibility . . . that Mrs. Remington may use the fact of investigation to her own benefit in connection with her contemplated divorce from Remington, and it is also possible that Remington could conceivably make use of the fact of inquiry from Mrs. Remington concerning this matter in a manner similar to that in which it could be used by Mrs. Remington.³

It would seem that Hoover was attempting to voice

his fears about the possible exploitation and publicity that might hamper the still-secret investigation. In any case, Hoover transferred the responsibility of deciding whether to interview Ann Remington to the Special Assistant Attorney General, Thomas G. Donegan, who was to handle the matter before the Grand Jury. Donegan chose to delay the interview, and Mrs. Remington, potentially the most important witness of the case (as an alleged eyewitness to the Bentley-Remington exchanges), was remarkably not questioned for nearly four years. She was finally interrogated before a New York grand jury in May-June, 1950.

Hoover later seems to have forgotten that he had passed on the responsibility for interviewing Mrs. Remington. This is shown in his later criticisms of his agents for failing to speak with her. His comment was elicited by a memorandum written on May 4, 1951, in which D. M. Ladd claimed that Ann Remington was not interviewed during the loyalty investigation (April 14 - June 12, 1948) because she was still officially "married and living with Remington," and because "there was no indication that she would talk to the Bureau." This statement is, of course, inaccurate for Remington, though still actually married, had ceased living with his wife in 1947, over a year before the loyalty investigation had even begun. The marriage itself was officially ended in December 1949.

Hoover's response to Ladd's excuse that "there was no indication that she would talk to the Bureau" was the caustic query: "How could we tell if we did not ask her?"⁶ He added critically, if ungrammatically: "This was an oversight--us failing to interview her." A possible explanation for the long delay was the Justice Department's awareness that a wife cannot be made to testify against her husband (though conversations with a third party are not privileged). With divorce seemingly imminent, they were perhaps waiting for their opportunity. It was soon after the divorce that they call her before a grand jury to testify.

By August, 1947, the FBI finally decided to discontinue its technical surveillance on Remington. A key factor in this decision was the Attorney General's decision on April 15, 1947 to break the secrecy of the investigation by interviewing those suspects like Remington who were still in government service. J. Edgar Hoover was against the move, however, arguing that it would "materially jeopardize future investigations"⁷ of the case. The Department of Justice's hope in commissioning interviews was that one of the alleged spies might suspect that an accomplice had already talked, and thus might "fully reveal their complete activities in connection"⁷ with the case.

On the evening of April 15, 1947, three FBI agents appeared at Remington's residence to interview him.⁸ They

informed him at the opening of the interview that he was being questioned concerning his possible involvement in espionage. This first interview was held at the FBI's Washington office from 8:45 to approximately 10:15 p.m.

In the early part of the questioning Remington reiterated the background data covered in the Hatch Act interview and the Navy application letter. With questions about his mother-in-law, the FBI began to cover new ground. Remington acknowledged that he knew of her "radical activities,"⁹ and that he believed she was a member of the Communist Party. He added, without apparent elaboration, that she "has always been a sore spot in . . . [his] . . . life."¹⁰ He stated that it was in periodic visits to her country estate in Croton, New York, that he and his wife met Joseph North, the editor of the Communist publication New Masses. North lived in the garage apartment house on the Moos property, and was a constant visitor at the Moos house. When questioned about his association with North, Remington gave an answer that, while perhaps accurate for the few years prior to the interview, was rather misleading as a general answer.

He said that he had usually visited his mother-in-law once a year, and that he saw North about every other time he visited Croton. The Remingtons had, as Remington would later acknowledge, actually spent a good deal more time than that at Croton, especially during the

early years of their marriage. Indeed, they got to know North well enough to have him as a dinner guest several times after the war. Remington asserted, nonetheless, a strong antipathy toward North, calling him "a very dangerous person."¹¹

The agents then proceeded to ask if North had introduced him to anybody. According to the FBI, this question clearly upset him. Their account states that:

At the beginning of this portion of the conversation relating to Joe North's introduction of Remington to John (Golos) and Helen (Bentley), the interviewing agent observed that Remington was visibly shaken and noticeably upset emotionally. It was noted that Remington blanched completely at the mention of this meeting.¹²

This description of Remington's reaction illustrates an important problem in evaluating the accuracy of FBI reports. Since the interviews on which reports involved note-taking rather than tape-recording, the reports are inevitably somewhat subjective. Note-taking lessens the chances of a purely factual report because it entails such possible pitfalls as faulty recollections or transcriptions, selective reporting, and interpretive or evaluative reporting, as in the above report. Yet, as Eleanor Bontecoun points out in her book The Federal Loyalty-Security Program, the intent of the FBI reporting techniques was to make possible an independent evaluation of its file, "unhampered by weighted presentation."¹³ The report was supposed to be strictly factual and

non-evaluative.

Clearly the FBI was subjective and interpretive in describing such an intangible thing as a non-verbal or emotional response. In the context of an interview about espionage, their portrayal of his being "visibly shaken" at the mention of North's introduction to Bentley implies a reaction of shocked guilt.

Another analysis of the interview, in this case relating to Remington's intentions, seems even more negatively interpretive:

At this point, (just after the mention of the Golos-Bentley meeting), Remington was rather evasive, first attempting to create the impression that this was the only meeting with John and Helen. He was asked if he has seen Helen at any time since his first meeting with her, and he replied that he had run into her several weeks later on a street corner in Washington, at which time he gave her his telephone number.¹⁴

The above description of Remington as "evasive" and deceptive about his Bentley meetings is pointedly evaluative in its implication of negative intentions. While it is their evaluation that he has purposefully tried to deceive them, it seems just as logically possible that Remington's erratic account could be attributed to other causes: to extreme nervousness about his interrogation, or perhaps to a difficulty of recollection due to the five-year lapse in time between the interview and his Bentley meetings.

Nonetheless, Remington admitted there were two

Golos-Bentley meetings in New York sometime between late 1941 and the Spring of 1942. After these meetings, Remington met with Bentley in Washington. He told of a pattern of communication in which Bentley would call him at his office and make arrangements to meet. This pattern was repeated, according to Remington, on five or six subsequent occasions, with meetings taking place at such spots as the Mellon Art Gallery or at street corners and restaurants in that general area. The time span of the meetings was from the Spring of 1942 to the latter part of 1943. At these meetings Remington said he gave her information about the personalities of men who worked at the War Production Board, and emphasized to her the excellent job they were doing for the war effort.¹⁵ He also reportedly argued that they should not be criticized, as they had been by newspapers like PM, for a business-as-usual attitude.

When Remington was probed about these meetings, he also admitted that on several occasions he had given her "scraps of papers."¹⁶ According to him, these papers cited the correct spellings of the names of certain officials and their titles at the War Production Board, and not, as Bentley had alleged, data about airplane production. Indeed, he denied furnishing her any information having to do with aircraft production or related matters. He did admit talking with her about various newspaper articles concerning the war effort. In some instances, he stated,

he was able "to confirm or deny, as the case might be, the truth or accuracy of some particular article."¹⁷

He cited, as an example, an article which claimed that the United States would not come close to producing the 125,000 planes projected for that year. When Bentley questioned him about this, he told her he was considerably more optimistic than the writer of the article, and that he felt it was "technically possible to produce that number of planes."¹⁸

According to Remington, she was also interested in knowing how quickly the United States could perform various production jobs and how fast it could reach maximum production. She was particularly interested "in the method of priorities control" known as the "production requirement plan."¹⁹

Remington "emphatically denied"²⁰ ever being a member of the Communist Party or ever paying her Party dues. However, he did admit giving her small amounts of money (nickels and dimes) on several occasions as payment for copies of PM and the Daily Worker. Later in the interview he recalled lending her a dollar, which he said she later repaid him.

At one of their meetings, he remembered her asking if he knew anyone familiar with South American affairs. He suggested that a friend, Bernard Redmont, who worked at the Office of Inter-American Affairs might be able to help

her.²¹ He could not recall, however, whether he personally introduced them or whether he arranged a meeting. He remembered that Redmont had continued seeing her after he had stopped because the latter had talked to him occasionally about it. He said he never discussed his Bentley contacts with Redmont, nor did he know what type of information the latter had given her. Regarding Redmont's political philosophy, he said that he always had considered him somewhat of a radical but "had not previously felt he would be disloyal to this country."²²

Toward the end of the interview Remington seemed to become ingratiating and self-deprecating, going so far as to say that the FBI "had every reason to suspect him of being a Communist and that he considered the agents entirely justified in calling on him for information."²³ He also attempted to impress the FBI with his anti-communism, saying that he was "strongly opposed to Communism," and that he had recently written a memorandum for the Secretary of State "advocating all possible monetary aid to Greece and Turkey, and . . . to countries surrounding Russia."²⁴ He added that:

. . . he very much suspected that this country would have to fight Russia in the near future and that he felt that we should go all out to prepare for such a conflict at the present time. . . . he felt every Communist in this country was a potential agent for Soviet Russia in the event of such a war.²⁵

Remington's assertions of rabid anti-communism

suggest that he felt the way Alan Barth portrays many ex-communists feeling at the time. Barth characterizes the attitude as a sense that "exoneration was impossible . . . for anyone who ever expressed unorthodox opinions, unless he was willing to profess the most extreme anti-communism and denounce everyone who had shared his past beliefs."²⁶ Remington eventually tried both of these recourses, but was to learn that even these would not save him.

The interview concluded, according to the FBI, with Remington expressing his appreciation for the courtesy and consideration he had received from the agents, and with the cryptically self-critical statement that he "did not deserve such good treatment."²⁷

After his first interview, the FBI requested a signed statement from Remington regarding his association with the people involved in this case, and on April 23, 1947, he brought it to them. In the statement he described in greater detail the first New York Golos-Bentley meeting at Schraffts. He said that Golos had told him he was writing a book about the "potentialities of United States 'war production'."²⁸ The general subject of their discussion was the various aspects of war production. They discussed contemporary statements by high Government officials concerning the "amount of war material that should be produced during the year 1942."²⁹ According to Remington, Golos (like Bentley) doubted that the United

States could meet the projected production figures, while he himself argued the contrary. Remington told how Golos seemed very interested in his point of view and said he would like to meet with him when he returned to New York. When he informed Golos that he did not go to New York regularly, "Helen" interjected that she would like to see him in Washington "inasmuch as she went there frequently in connection with her work."³⁰ Remington states that Golos told him that he too would be interested in any background information or guidance he could give to Bentley because it would help him in the preparation of his book. At the Washington meetings with her (which took place anywhere from two weeks to two months later), she "asked questions and was interested in" the same things he had discussed with Golos, such as the issue of how raw materials were to be allocated "from less important uses into the most important uses."³¹ The following is Remington's description of her questions, what he told her, and why:

She was specifically interested in methods of 'priorities control, [the] production requirement plan,' and the Controlled Materials Plan. I told her a great deal about methods of material control, explaining them in as much detail as I knew, and I also gave her press releases and other information regarding these plans. I recall that during that period of time great effort was being made by the War Production Board to familiarize manufacturers and other persons concerned with various aspects of these plans.³²

Remington maintained that he was very careful

about security rules, and that he limited himself to public information in these discussions. Furthermore, he stated that while he occasionally saw confidential material in the course of his work, he denied having access to secret information.

This latter comment is in clear contradiction to his Navy application claim that he had been "trusted with the most secret categories of military information," including "many aspects of the Manhattan Project,"³³ as well as airplane and naval data. The FBI, which had possession of his Navy letter, naturally made special note of the differences in the two statements, and he was later asked many times to explain these obvious discrepancies.

NOTES--CHAPTER 4

1. FBI, Remington Surveillance Report, November 16, 1946.
2. FBI, Remington Memorandum, July 7, 1947.
3. Ibid.
4. FBI, Remington Memorandum, May 4, 1951.
5. Ibid., p. 2.
6. J. Edgar Hoover to Douglas W. McGregor, Assistant Attorney General, April 4, 1947.
7. FBI, Memorandum to the Director, n.d., p. 7.
8. W. Remington, FBI Interview, April 15, 1947, p. 1.
9. Ibid., p. 33.
10. Ibid.
11. Ibid.
12. Ibid.
13. Eleanor Bontecou, The Federal Loyalty-Security Program (Ithaca: Cornell University Press, 1953), p. 84.
14. W. Remington, FBI Interview, April 15, 1947, p. 33.
15. Ibid., unnumbered page.
16. Ibid., p. 2.
17. Ibid.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. Ibid.

23. Ibid., p. 33.

24. Ibid.

25. Ibid.

26. Alan Barth, The Loyalty of Free Men
(New York: Viking Press, 1951), p. 15.

27. W. Remington, FBI Interview, April 15, 1947,
p. 2.

28. W. Remington, Signed Statement for FBI,
April 23, 1947, p. 1.

29. Ibid.

30. Ibid.

31. Ibid., p. 2.

32. Ibid.

33. W. Remington to Office of Naval Intelligence,
FBI-Remington file, April 4, 1945, p. 1.

CHAPTER 5

REMINGTON AS INFORMER

Several days after Remington's first interview on April 21, 1947, the FBI interviewed Bentley in order to ascertain her views about what he had said. In this interview she made the startling admission (never to be made public) that Remington may have gotten an idea she worked for PM. The FBI report states:

Informant (Bentley) stated that the reason Remington may have gotten an idea she worked for PM was due to the fact that she was introduced to Remington by Joe North, and that Remington and North had considerable discussion about newspaper items. She said she never told or indicated to Remington that she was with PM and that she does recall she made a positive statement to him at one time she was not connected with any Communist newspaper.¹

This was a very important statement because Bentley was at least allowing here for the possibility that Remington may have been under a mistaken impression about who or what she was, and therefore possibly of what she was doing. This admission would seem to give significant support to Remington's version of the story, namely, that he gave her information on the assumption that she was a PM reporter.

The admission typifies what Herbert Packer sees as

a general problem with Bentley's testimony, namely the difficulty of knowing what her contacts thought they were doing, or as he puts it, "just where along the spectrum from knowing acts of espionage to innocent indiscretion the truth lies."² The Bentley PM statement suggests that even she may not have always been clear where the truth lay along this spectrum.

What is perhaps more significant than any meanings to be attached to this admission is the fact that it not only disappears from the subsequent FBI reports sent to various government agencies, but is also eliminated from Bentley's subsequent public version of the facts. Perhaps the reason for its "removal" is that such an admission clearly hurts a potential espionage case against Remington. By removing this piece of information from the investigative file, justice has been sacrificed for the sake of prosecution, and thus a corruption of justice would seem to have occurred. The FBI failed, in this instance, to perform the role and duty established for it.

As Eleanor Bontecou points out in her discussion of the FBI, one of its most important rules of operation was that all information received by an agent was to be reported "as accurately and completely as possible."³ This was to enable the government agency for whom the information had been gathered to make the most objective and judicious evaluation possible. According to Bontecou,

even when the interviewee gave opinions or conclusions (like the Bentley comment), the agents were not "to eliminate any part of an interview." As J. Edgar Hoover stated, a "selective or [summary] report by an agent" would not be factual, but would represent an improper judgement by the agent of the data gathered. Hoover's feelings on this were stated quite clearly in his testimony at a Senate hearing in 1951:

I think when the time comes that the Bureau must decide what shall go into a report and what shall not go into a report, then we are functioning as a Gestapo. I think we must report accurately and in detail what any person tells us.⁵

The FBI clearly did not do so in this instance.

Three days after Remington's first FBI interview, he phoned and requested another meeting with them. One of the reasons he wanted to see them was to offer his services in providing information about his previous associates. Seemingly caught up in the anti-Communist mania of the time, and seeking the kind of exoneration-via-red-baiting that Alan Barth referred to, Remington suddenly turned into a self-appointed Communist vigilante.

He manages to find something negative to say about nearly every associate concerning whom he is asked. For the most part, the bases for his "suspicions" are flimsy, often amounting to no more than ideological non-conformity or guilt by association. For example, though one friend, Henry Ware, had made critical remarks against Russia, and

two others, Robert Davenport and Robert Lehman, were evidently not Communists, he nonetheless felt behooved to tell the FBI that they had associated with "questionable" people. The time elapsed since witnessing suspicious behavior was apparently not a mitigating factor for Remington. An example of this was his suspicions about a former TVA acquaintance, Chick Alber, based on a luncheon conversation five years previously. The meeting was prior to the German invasion of Russia, and according to Remington, Alber had appeared to be so anti-British that he "got the impression he might be a Communist."⁷

Remington's informing bordered on the absurd when he reported a newscaster, even though he could not remember his name. The basis for suspicion was what he called a "vague impression" that the man was a Communist because of a party conversation in which the man strongly defended Russia. The best he could offer as to his identity was that he had seen the man several months before walking near Pennsylvania Avenue and 17th Street.

One of the more remarkable suggestions Remington makes to the FBI is his offer to help ferret out a Communist minority in the American Veterans Committee. He volunteers to attend meetings of the organization to obtain the names of the members who voted against the ousting of Communists, and to report those who appeared to be consistently following the Communist Party line.⁸ The FBI

did not discourage Remington from doing this, and on May 31, 1947, Remington wrote a follow-up letter telling them of his findings and his conclusions about the leadership of the AVC's supposed Communist clique.¹⁰ The following paragraph from that letter captures rather well Remington's eagerness to be of service:

If you want me to seek out the names of others through friends, and perhaps by consistent attendance at AVC meetings etc., I will. If you do, I should think that my unsupported and subjective impressions would be worth little. Wouldn't you want the context of the discussion, and the positions taken by those who strike me as Communistic?¹¹

Perhaps Remington's most dramatic idea was his offer to go undercover with Joseph North to see whether North would try to introduce him to any of his friends.¹² He stated, in a letter written on October 6, 1947, however, the supposition that he did not think North or his friends would attempt any "overtures" to him because they knew his convictions and that he, (North), "never would have introduced me to his friends" had it not been "the height of the war-time alliance between the U.S. and U.S.S.R."¹³ The following excerpt from the letter describes what Remington was and was not willing to do, and why:

. . . if you want me to, I would be willing deliberately to renew my acquaintance with North on the chance that he might introduce me to more of his friends. I could not pretend to become converted to a pro-Communist or pro-Russian point of view. I would not be successful and would not be willing to play a role that required me to act or talk things I don't believe. But I would be willing to see North and try to get introduced to his friends to find out who they are for your purposes. It might be possible to arouse

their interest by telling them things which you devised in advance. . . . I want to offer anything I can because I feel so strongly that the Communist Party is a menace, and because it occurs to me that my acquaintance with North could conceivably be useful.¹⁴

The FBI apparently never took Remington up on this suggestion.

Remington even offered to inform against Bernard Redmont, the friend he introduced to Bentley. He suggested that perhaps "the Bureau could use his services upon the return of"¹⁵ Redmont from Europe. Offering to inform on Redmont is noteworthy for several reasons. It would seem, for one thing, that Remington ought to have seen it as an advantage to remain on good terms with him because he was such an important figure in his case. He was the only person whom both Bentley and Remington agree also attended their Washington meetings. (Bentley asserted and Remington denied the presence of Ann Remington at several of the Washington meetings.) Furthermore, since Remington had introduced Redmont to Bentley, it would seem that he ought to have felt some burden of responsibility for setting up the unfortunate liaison.

Remington even recruited his fiancée, Jane Shepherd, to help in his informing "crusade." When she became aware that a fellow worker on the planning committee of a radio program called "Make Way For Freedom" had once espoused the Communist Party line on Palestine, she and Remington reported him to the FBI. Remington was also

moved to add that this person had "proposed anti-government points of view."¹⁶

Remington showed how wide-ranging his informing could go when he decided that radicalism on racial issues was worthy of mentioning to the FBI. He informed them that the Negro who had formerly been in charge of the above-mentioned radio show "seemed to be an extreme radical who made a nuisance of himself."¹⁷ He considered other Negro "officers" of the show equally reprehensible and worthy of reporting because, as he reported, if they were "not Communists, they certainly are negro nationalists who would probably follow the policy suggested by A. Philip Randolph . . . to the effect that negroes should resist service in the Armed Forces because of segregation."¹⁸

In response to an FBI letter admonishing him that the information he gave was of his own volition,¹⁹

Remington assured them by saying:

I cannot imagine any other basis it could be on. When I see or hear things that I believe may indicate a Communist frame of mind in anyone, I think you and your organization should know about it so that you can determine whether or not investigation is warranted.²⁰

He followed this with a fervently anti-communist statement which took aim at his wife:

I am just as eager as you are to help rid this country of communists and their sympathizers (and I think my feelings on this matter may well be even more intense than yours, largely because of my experience with my wife which has been six hellish years ending up with the loss of everything I have loved and believed in). This is the only basis on which I have volunteered

information to you. It is a pretty strong basis.²¹

This was actually the second time Remington had attacked and blamed his wife for his "communist" predicament. In his third and final interview with the FBI on April 23, 1947, he had asserted, without going into detail, that his marriage was the chief cause of his problems, and that he "expected to pay" for this mistake "either directly or indirectly the rest of his life."²²

Remington's attacks on his wife represent an important change in his story for, as will be recalled, he had cited his wife's anti-communism in his earlier Hatch Act and Navy application accounts.

He thus brought his red-baiting "home," and in doing so perhaps committed his single most self-destructive act. Ann Remington was an extremely important potential witness who, by all accounts, had been present at the New York meeting with Golos and Bentley, and who was also, most likely, at some of the Remington-Bentley Washington meetings, Remington's denial notwithstanding. While these interviews are not public, they do show Remington unwisely and carelessly willing to "burn" the one "bridge" that might save him.

His informing seems a most desperate action, and it came back to "haunt" him. It lost him support among potentially sympathetic witnesses, and, perhaps most significantly, it alienated his ex-wife, who went on to

become his most important adversary. Obviously meant to confirm his anti-Communist stance and perhaps to deflect pressure from himself, the strategy was a serious failure. Remington shows himself to be in tune with what Earl Latham describes in his book The Communist Controversy In Washington, as the "storm of recrimination" blowing "so violently" about the Communist problem. As he puts it:

The temper of the time was suspicious, excited, emotional, pathetic, and hard. There was rage and outrage, accusation and defiance, a Babel of shouting anger in these tense years.²³

NOTES-CHAPTER 5

1. Elizabeth T. Bentley, FBI Interview, April 21, 1947.
2. Packer, Ex-Communist Witnesses, p. 90.
3. Bontecou, Loyalty-Security Program, p. 84.
4. Testimony of J. Edgar Hoover, Departments of State, Justice, Commerce, and the Judiciary Appropriations for 1951, Hearings, Subcommittee of the Committee on Appropriations, Senate, 81st Cong., 2d Sess. (1950), p. 130.
5. Ibid.
6. W. Remington, FBI Interview, April 18, 1947.
7. Ibid.
8. W. Remington to Hoover, November 6, 1947, p. 2.
9. FBI, Remington Memorandum, June 4, 1947.
10. FBI, Remington Memorandum, November 6, 1947.
11. FBI, Remington Memorandum, June 4, 1947,
p. 95.
12. Ibid.
13. W. Remington to FBI, October 6, 1947.
14. Ibid.
15. W. Remington to FBI, November 6, 1947.
16. W. Remington to FBI, June 1, 1948.
17. Ibid.
18. Ibid.
19. FBI, Remington Memorandum, June 4, 1947.
20. W. Remington to FBI, November 2, 1947.
21. Ibid.
22. W. Remington, FBI Interview, April 23, 1947.

23. Latham, Ex-Communist Witnesses, p. 3.

CHAPTER 6

THE REMINGTON CASE MISHANDLED

The Navy, which had Remington on its Officer Reserve rolls, learned in early 1947 of his alleged activity as a Russian agent.¹ (He had been, ironically, a Special Intelligence Officer during the war.) They solicited the FBI for more information to ascertain whether there were grounds for dropping him from their Reserve rolls. Upon receiving the FBI report, they evidently felt there was sufficient grounds for such action, and by April 2, 1947 they had discharged him. In order not to jeopardize the FBI's investigation, and also because the charges against Remington were at that point only allegations, they removed him under honorable conditions and a false pretext--his failure to respond to one of their official letters.²

The Justice Department showed much less dispatch and efficiency than the Navy in dealing with Remington. Though the FBI had sent "Bentley" reports as early as November 8, 1945, to the White House and the Attorney General, the Justice Department remained uncertain about what course to take well into 1947. The facts of the case

were finally presented to a Federal Grand Jury in New York on June 16, 1947. In the meantime, Remington would continue what Joseph L. Rauh, Jr. termed his "phenomenal rise"³ through the government ranks, working for most of 1947 and part of 1948 as a staff member of the Council of Economic Advisors, and then, on March 15, 1948, after avoiding grand jury indictment, moving into the important position of Director of the Export Program Staff in the Department of Commerce's Office of International Trade. In addition to the regular duties entailed in that position, he became acting chairman of an Ad Hoc subcommittee which was in charge, ironically enough, of reviewing exports of strategic materials to Russia and Eastern Europe. .

The Justice Department's failure to prevent Remington, an individual with an allegedly questionable background, from obtaining a series of important government jobs was to have political ramifications for the Democratic Party and unfortunate consequences for Remington when disclosed at Senate hearings in 1948. Publicly revealed at a time of increasing charges about communist "infestation" and influence in the federal government, Remington's case became highly politicized and notorious. While he had been considered by Bentley as "one of her least important contacts,"⁴ he would now become a symbol and test case of the Truman Administration's Loyalty Program. He became, in a sense, a kind of political "football," pursued by

Republicans who were seeking to confirm their theme of Communists in the "Fair Deal"; and by Democrats who were seeking to show the effectiveness of Truman's newly instituted Loyalty Program.

Remington was in a "no-win" situation. While his firing without definite proof would have been an injustice to him, his staying in government, and its necessary consequences--the need to fight Bentley's charges and the notoriety of such a fight--were to incite an indefatigable prosecution against him.

It is perhaps useful at this time to examine why and how Remington was able to stay in government for approximately two and a half years after Bentley first reported her story to the FBI. A major factor delaying action on the Remington case was the difficulty in proving Bentley's charges against him. In an FBI summary of October 21, 1946, entitled "Underground Soviet Espionage Organization in Agencies of the U.S. Government," the Bureau discussed one of these problems, namely, the previously cited time element. In a general reference to the accusations made by Bentley, the FBI said:

A time element exists in making a factual approach to the material set forth. . . . the majority of the basic charges against the individuals must be viewed from the fact that they only became available in November of 1945. Consequently the reader must consider the difficulty of actually proving these activities by investigation at this late date.⁵

They also point out the fact that in a number of

instances the "facts" were no more than circumstantial, "primarily because of the disparity in time between the date of the activities and the actual reporting" of them to the authorities.

Another problem the Justice Department encountered in establishing an espionage case was Bentley's indefiniteness about the destinations of the information she received. In the FBI summary cited above the Bureau pointed out that Bentley was ". . . unable to state specifically in any instance to whom Golos, 'Bill,' 'Jack,' or 'Al' [Gromov] delivered the material which was collected for them."<7 Moreover, as will be evident from her later testimony, she also seemed unclear about whether some of her contacts realized where the information was going.⁸ Complicating this issue even further is the fact that it was evidently part of Bentley's strategy to deceive her contacts about the purpose of their "information gathering."⁹

A further problem in proving Bentley's allegations is what Herbert Packer describes as the "chief irremedial gap" in Bentley's record: "the total absence of any of the fruits of Miss Bentley's years in the espionage business."¹⁰ Without any actual documentary evidence, the chances of proving that she obtained secret or confidential information were greatly reduced, because she was, as Packer points out, "consistently vague about the precise

nature of the material that was transmitted through her."¹¹ This failure to have any tangible evidence was unfortunate for the government, and perhaps a bit surprising, for it would appear that she had had a good opportunity to obtain proof during the time she was acting for the FBI as a counter-espionage agent. It was during this time, it will be recalled, that she managed to meet several of her old contacts while under surveillance.

A final weakness in the case was the lack of any corroborating witnesses for Bentley's story. This would be the case until Ann Remington finally "reinforced" Bentley's story in the government's third and successful attempt to get an indictment.

Despite all the difficulties and problems involved with Bentley's story, the FBI was, nonetheless, impressed with the general veracity of her account. For one thing, they had observed one of her meetings with Anatole Gromov, the first Secretary of the Soviet Embassy.¹² In addition, they had also discovered through investigation the actual existence of the photographic laboratory Bentley had described in the Silvermaster basement.¹³ According to Bentley, this laboratory had been used for the reproduction of documents gathered from the group. What was also impressive to the FBI was the fact that, as they put it, she had "reported with a high degree of accuracy situations of the United States Government

policy which were only known within the Government itself as examples of material which was passed through Gregory [Bentley] to Golos and his successors for the use of the Soviet Government."¹⁴

Other factors delaying action on the case were an evident bureaucratic confusion and lack of co-ordination within the Justice Department. For example, when the FBI prepared their "summary" on the Bentley "subjects," they assumed that the Attorney General would make their reports available for distribution, particularly to the employing departments of those still in government. It was not until February of 1947, however, that the FBI learned that the Justice Department wanted it to be the one to pass on the reports to these agencies.¹⁵

Aggravating the problems of co-ordination were some basic differences over tactics. The FBI, as shown earlier, was not pleased with the Justice Department's request in April 1947 that they interview the Bentley subjects still in government.

In addition, a rift developed within the Department between the FBI and the Attorney General's office over apparent leaks of information from the Justice Department. The FBI learned of the leak because of "... publicity that had stemmed from a source in or near the Department accurately relating the background in this case [Remington's] and predicting the Department's contemplated

course of action in connection with it."¹⁶ They decided on January 22, 1947, therefore, after consulting with Assistant Attorney General Theron L. Candler, to stop furnishing reports of their investigations to the Attorney General. Investigative reports were provided, however, for the Department's attorney for preparation of the case before the Federal grand jury in New York.¹⁷

A good example of the governmental confusion about a "Remington" strategy can be seen in the communications between the FBI and John Steelman, a Special Assistant to the President. In December of 1946, Steelman had Remington under consideration for a transfer to his permanent staff at the White House, and it was he, ironically enough, who initiated the contact with the FBI. Though he had not received the FBI's reports, he had his own independent suspicions of Remington. He was concerned, "from a security viewpoint,"¹⁸ about Remington's association with two men, James R. Newman and Harold Stein.

On December 23, 1946, the FBI sent two agents, Floyd L. Jones, and R. R. Roach, to confer with Steelman about the information that the FBI had compiled up to that point. Upon learning from them that Remington was a "principal subject" in what the FBI called "an extensive investigation involving underground Soviet espionage operations,"¹⁹ he not surprisingly told the agents that he would cease to consider Remington for the opening on his

staff. He informed the agents that he did not feel it advisable "to fire Remington outright," but that, "due to the nature of the material supplied by the Bureau,"²⁰ the investigation was still secret at that point, he would instead leave him at his position with the OWMR under General Fleming until that agency was liquidated. In the meantime, according to the FBI report, Steelman "indicated he intended to informally pass on the information . . . to General Fleming for his information."²¹ A month later, on January 24, 1947, Steelman again contacted the FBI to tell them of a report he had heard that Remington was "either employed by or . . . [was] . . . making application for employment"²² at the Commerce Department. He sought advice on whether to notify the Secretary of Commerce about the FBI's information. FBI agent Roach adopted a surprisingly passive attitude on this point, and instead of attempting to verify Steelman's report or to contact Secretary of Commerce W. Averill Harriman, Roach left the initiative with Steelman. His rather cryptic response to Steelman was that, due to the "oral nature" of the information he had received, it would be better for the Secretary of Commerce himself to make a request for the Remington information.²³ It is not clear, however, how Harriman would have known about any need for such derogatory information. As it turned out, Steelman's information was erroneous. Remington remained at OWMR until March 1947, and did not

join the Department of Commerce until March 15, 1948.

The first evident effort by the Attorney General to inform employing agencies about the "Bentley" suspects appears in a February 7, 1947 memorandum from FBI agent D. M. Ladd to Director Hoover, citing a previous request by the Attorney General that the FBI provide summaries on Gregory case subjects still employed by the Government.²⁴ This information was, according to the note, to be relayed to the subjects' respective employing agencies. Yet, strangely enough, Remington is not included in a March 7, 1947 Hoover memo to the Attorney General listing Gregory suspects still employed in Government Departments.²⁵ An intra-agency memo from J. C. Strickland to D. M. Ladd on March 8, 1947, reveals that the reason for this omission was an uncertainty about whether Remington was still employed by the government. Strickland wrote that the FBI's "latest available information" showed Remington had been "discharged from his employment by the Office of War Mobilization and Reconversion sometime in January, 1947."²⁶ He, of course, had not been, and the FBI soon learned from technical surveillance on the Remington home that he was still employed by the Office of Temporary Controls. Clearly the FBI had been confused. On March 17, Agent William R. Cornelison received information from a confidential source at the Personnel Office that Remington was to be appointed to a position with the Council of

Economic Advisors.²⁷

The FBI once again contacted Steelman and this time they were more "aggressive." Their goal was to "furnish information concerning Remington to a contact of the Office [Economic Affairs], in order that his appointment may be withheld."²⁸ This memo is noteworthy because it shows the FBI interested, contrary to its expressed policy, in shaping policy and not just gathering facts. Despite expressing such a policy-shaping goal (to get Remington out of government service), the FBI made a point of noting that "no recommendation or comment was made by the Agent as to what action Steelman should take concerning Remington."²⁹

The task of dealing with Remington was left to Steelman. On April 16, 1947, FBI Agent Roach happened to speak with Steelman again and during the course of the conversation the latter said, without mentioning any names, that he wanted J. Edgar Hoover to be informed he was "getting rid of the undesirable individuals . . . attached to his office," and that "the last individual would be 'kicked out' in approximately two weeks, some being transferred to other Government agencies and some being dismissed outright."³⁰ The FBI clearly assumed that Steelman would include Remington among those to be dismissed, for following this account of the above meeting, agent D. M. Ladd commented, in his memo to Hoover:

You will recall that such individuals as William Walter Remington . . . are those . . . [who had been] . . . or are presently in Steelman's office and on whom the Bureau has considerable derogatory information of a Communistic nature.³¹

Contrary to the FBI's expectations, however, Steelman did not discharge Remington. In fact, for some reason, he neither spoke with his immediate superiors nor did he file a note about the information he had received about him. The proof of this can be seen in the later testimony by Remington's boss at the Council of Economic Advisors, Dr. Edwin Nourse. Nourse testified concerning Remington's appointment:

. . . the record was impeccably clear as far as anything that came to our attention was concerned. We were particularly careful because the question of loyalty was being raised at that time. . . . It was highly important in the Executive Office of the President that we straighten out any question as to loyalty. There was absolutely nothing in Mr. Remington's record and in the papers that came to us that suggested the slightest thing. . . .³²

It is somewhat unclear why Steelman took no ostensible action with reference to Remington. However, when the Attorney General asked Steelman about the issue during a Senate investigation of Remington in 1948, Steelman said, according to an FBI memo of August 5, 1948:

. . . that he did recall Bureau Agents calling on him and giving him some general information . . . [and] . . . that he asked the Agents if they thought it was enough to fire Remington and the Agents indicated they did not believe so.³³

Floyd Jones and Ralph Roach, the FBI agents who had met with Steelman, strongly denied that any "such

expression of opinion was given to Dr. Steelman."34 Their contention is supported by the previous accounts of their contacts with Steelman, where he was portrayed as being quite impressed with their derogatory data on Remington.

Steelman's response to the Attorney General may have been an attempt to cover up his lapses or defend his inaction. On the other hand, the informality of his contacts with the FBI, the inconclusiveness of the case against Remington, and the lack of advice from the Justice Department may have left him feeling that there was ambiguity about Remington's guilt.

Steelman's involvement in the Remington case is cited because it exemplifies the remarkable bureaucratic confusion that seemed to exist in the government's internal security apparatus. The confusion is obvious in the haphazard handling of the case. For one thing, responsibility for any action fell to a man (Steelman) who was not even Remington's immediate superior. Secondly, Steelman was not provided with any written data or summaries. Finally, he was given no guidance as to the appropriate action to take. Thus, Remington's superiors, without adequate government follow-up and seemingly more impressed with him than with the FBI reports, not only retained him in office, but also defended him at his Loyalty hearing.

The case should have been handled, theoretically,

by an agency called the Interdepartmental Committee, which was set up in 1943 by President Roosevelt. This committee was supposed to receive all FBI reports on accused employees, and then report to the agencies responsible for acting on these reports. According to historian Eleanor Bontecou, however, it had "slowly disintegrated because of a lack of funds and loss of personnel"³⁵ after the war. In Remington's case, these procedures were obviously ignored. The lack of any directing body or focal authority contributed, in this situation, to an unfortunate improvisation of procedures, a confusion about jurisdiction, and a failure to follow up on actions.

To counteract the obvious problems of their outdated internal security apparatus, the Truman Administration established in October, 1947 a Loyalty Program designed to "uncover 'subversives' in the federal bureaucracy."³⁶

In the meantime, the facts of the Gregory case were presented on June 15, 1947 to a Federal grand jury in New York. This grand jury was specifically brought into existence to hear Bentley's testimony, but it also heard the testimony of over a hundred other witnesses, including Remington. Many of those called to testify were past or present government employees who served in the Executive branch during the New Deal. After over a year of such testimony no "Bentley" indictments were forthcoming, though

the same grand jury later did return indictments against twelve members of the National Board of the Communist Party for violation of the Smith Act.

Though there was no official explanation for the failure to vote any "Gregory" indictments, a cover-up conspiracy theory would later emerge, albeit an unsubstantiated one. John G. Brunini, editor of the Catholic poetry journal Spirit (and also foreman of the grand jury that ultimately indicted Remington), presented this "theory" in an article in the Catholic World (March, 1953) entitled "The Three Spy Grand Juries."³⁷ He argued that the failure to produce indictments was due more to the efforts of the Truman Administration to suppress and cover up Communist penetration than to lack of evidence. Brunini asserted that the Justice Department, under Democratic guidance, attempted to stop any presentments. In 1948, he said, the Justice Department purposefully "set the grand jury to work in another direction" because it "feared the results of the investigation."³⁸ He did not elaborate on the basis for his argument other than to say that his information came from a number of sources. While he admitted that the accuracy of his information "has never been legally demonstrated," he maintained that he "has no reason to doubt its truth."³⁹

NOTES--CHAPTER 6

1. FBI, Remington Memorandum, March 4, 1948.
2. FBI, Remington Memorandum, April 16, 1947.
3. Rauh, in interview by author, November 23,
1979.
4. Bentley, Out of Bondage, p. 181.
5. FBI, "Gregory" Report, October 21, 1946.
6. Ibid.
7. Ibid.
8. Bentley, Out of Bondage, p. 180.
9. New York World-Telegram, July 23, 1948, p. 1.
10. Packer, Ex-Communist Witnesses, p. 117.
11. Ibid.
12. FBI, Remington Memorandum, July 27, 1948,
p. 5.
13. FBI, "Gregory" Report, n. d., p. 6.
14. Ibid.
15. FBI, "Gregory" Memorandum, February 7, 1947,
p. 7.
16. Ibid.
17. Ibid.
18. FBI, Remington Memorandum, Special
Inquiry--White House, December 16, 1946.
19. FBI, Remington Memorandum, December 23, 1946.
20. Ibid.
21. Ibid.
22. FBI, Remington Memorandum, January 24, 1947.

23. Ibid.
24. FBI, Remington Memorandum, February 7, 1947.
25. FBI, "Gregory" Memorandum, March 7, 1947.
26. FBI, "Gregory" Memorandum, March 8, 1947.
27. FBI, Remington Memorandum, March 21, 1947.
28. Ibid.
29. FBI, Remington Memorandum, January 24, 1947,
p. 2.
30. FBI, Remington Memorandum, April 16, 1947.
31. Ibid.
32. Dr. Edwin G. Nourse, testimony before the
Regional Loyalty Review Board, August 18, 1948.
33. FBI, Remington Memorandum, August 5, 1948.
34. Ibid.
35. Bontecou, Loyalty-Security Program, p. 20.
36. Norman Rosenberg, In Our Times (Edinglewood
Cliffs, N.J.: Prentice-Hall, Inc., 1982), p. 35.
37. John G. Brunini, "The Three Spy Grand Juries,"
The Catholic World, March 1953, pp. 418-425.
38. Ibid., p. 420.
39. Ibid.

CHAPTER 7

THE LOYALTY PROBE AND ITS CONTEXT

Commerce Secretary Charles Sawyer received the Remington loyalty report on June 22, and then consulted with various members of his department about the proper action to take.¹ On June 25, Sawyer decided to place Remington on indefinite leave for the duration of his loyalty examination.

While Remington was not officially notified about the probe until July 19th, he was aware of its existence after several friends informed him that the FBI had questioned them. In a letter to one friend, Remington portrayed himself as extremely confident and unworried about his chances in the investigation. He wrote: "My case will probably never even be heard by the Department of Commerce Loyalty Board. If it is, there is no doubt in my mind concerning my being cleared."²

While he obviously was trying to be optimistic, as well as perhaps to convince the friend there was nothing to the story, such expressions of confidence run counter to both his earlier conversation with Tobias, as well as to the implied insecurity of his countercharging with the FBI.

Shortly thereafter, the Fourth Regional Loyalty Board sought clarification of information uncovered in the FBI's investigation. He was requested to address himself to the following questions (many of which he had already been asked several times): whether he had been a member of the Communist Party and, as such, had paid its dues, attended its meetings, or had knowingly associated with its members; whether he had released official confidential information to unauthorized persons; and whether he was or had been a member of such Communist front organizations as the Young Communist League, the Washington Book Shop Association, the American Peace Mobilization, and the American Youth Congress.

Remington was given until August 6 to respond in writing to the interrogatory. The decision whether to have an administrative hearing was left up to him, and he chose to have one, though he opted not to get a lawyer after several unsuccessful attempts to obtain one. He later told New Yorker writer, Daniel Lang, however, that he had not been discouraged about his situation because he expected to win the loyalty case "in a breeze,"³ and he suspected that an attorney might spoil the spontaneity of his answers.

Bentley, in the meantime, perhaps frustrated over her grand jury "failure," and concerned about her own possible indictment, sought help from a family friend, Frederick Woltman. Woltman, an anti-Communist writer with

the New York World-Telegram, introduced her to a co-worker of his, Nelson Frank, another ex-Communist turned anti-Communist. Frank, who had been a part-time reporter with the Daily Worker in 1928, became so interested that he and Woltman co-wrote a series of articles about her story. This series was to be a turning point in the Remington case. By bringing Bentley's story out into the open for the first time, it broke the anonymity surrounding Remington's case, put new life into Bentley's allegations, and created public pressure to act on them.

In the summer of 1948, the country seemed ripe for a disclosure of Communist subversion. Political tensions and fears of Communist threats at home and abroad were on the rise. Events in Europe exacerbated these feelings. In February 1948, the pro-Soviet coup in Czechoslovakia completed the division of Europe between the "Iron Curtain" countries and the West. Even more shocking was the Soviet Union's apparent attempt to drive the Western powers from Berlin by blockading highway, river, and rail traffic into the city.

Fears about Communists in government, which had been prevalent since the late 1930's, escalated in February, 1945, when "top secret" documents from the files of the OSS and the War, Navy, and State Departments, were found in the New York offices of the magazine Americasia.⁴ A year later a Royal Canadian Commission investigation of

alleged espionage in the Canadian Government added to the fears about internal subversion. The report disclosed the existence of a Canadian espionage ring and the "betrayal by them of military secrets."⁶ In addition, Igor Rovzenko, the Russian who revealed these espionage activities, indicated that similar activities were taking place in the United States.

One of the major effects of such disclosures was a dramatic increase in the number of Congressional investigations into Communism from four in the 79th Congress (1945-46) to twenty-two in the 80th Congress (1947-48).⁶ With 1948 a Presidential election year, the above events gave powerful ammunition to the Republicans, who dominated Congress and were hoping to elect a Republican president. J. Parnell Thomas, then the Chairman of the House Committee on Un-American Activities, later admitted as much when he said in 1954 that the Chairman of the Republican National Committee, Hugh Scott, "was urging me in the Dewey campaign to set up the spy hearings . . . in order to put the heat on Truman."⁷

Just prior to Bentley's World-Telegram series, the House Un-American Activities Committee was rebuffed in its attempts to cast aspersions on Dr. Edward U. Condon, the director of the National Bureau of Standards, who was an esteemed physicist and an "unabashed liberal."⁸ The Atomic Energy Commission inflicted the "coup de grace" to

the HUAC investigation of Condon in July, 1948 when it concluded, after reviewing his file and FBI reports, that "his continued clearance . . . [was] . . . in the best interests of the atomic energy program."⁹ HUAC's handling of the case, which Representative Richard Nixon later conceded might have been "unfair," produced, according to historian Joseph Goulden, "more embarrassment than benefit, to the dismay of Republican campaigners."¹⁰ Elizabeth Bentley's appearance on the scene thus represented for HUAC what Goulden called a virtual "lifeline out of its predicament."¹¹

Still another political confrontation added to the significance of the publication of Bentley's story. After his nomination in July 1948, Truman challenged the Republicans to enact their party's platform-- a platform he described as "a piece of hypocrisy."¹² To accomplish this, he called Congress into special session. The Republican Congress naturally avoided the issue of the platform, and instead embarked on an investigation of Communism, with Bentley as their primary witness. Though the special session adjourned on August 7, according to Earl Latham, "the genie let out of the bottle in a short session could not be put back."¹³ As Latham points out:

There is continuity in the control of the Communist issue Truman inadvertently placed in the hands of Congress when he called it into special session in July 1948. (Despite some changes in the composition of the committees and even in their party majorities), . . . there is a sense in which it is true that the

special session did not disband for at least six years. Although the members went home from time to time, the investigations of Communists did not cease to be the business of the Congress until the issue disappeared.¹⁴

With the Remington case coming under the new Truman Loyalty Program, the FBI was called upon to begin a new Remington investigation. It represented their first full examination of Remington's history and background prior to his Bentley encounters.

NOTES--CHAPTER 7

1. Eightieth Congress, Second Session, United States Senate, Committee on Expenditures, Export Policy and Loyalty, p. 363 (hereinafter cited as Export and Loyalty Hearings).
2. W. Remington to David Norris, September 10, 1948.
3. Daniel Lang, "The Days of Suspicion, The New Yorker, May 21, 1949, p. 40.
4. Rosenberg, In Our Times, p. 36.
5. Bontecou, Loyalty-Security Program, p. 21.
6. David Cante, The Great Fear (New York: Simon and Schuster, 1978), p. 85.
7. Edith Tiger, ed., In Re Hiss (New York: Hill and Wang, 1979), p. 3.
8. Joseph Goulden, The Best Years (New York: Atheneum, 1976), pp. 317-318.
9. Ibid., p. 318.
10. Ibid.
11. Ibid.
12. Latham, Communist Controversy, p. 397.
13. Ibid.
14. Ibid., pp. 398-399.

CHAPTER 8

THE SENATE QUESTIONS REMINGTON

Meanwhile, the World Telegram's Bentley series began on July 21, 1948, neatly timed a day after the indictment of the twelve American Communist Party leaders. The series outlined the story she had told the FBI with an obvious tone of sensationalism. The paper referred to her variously (and inaccurately) as a "striking" and "beautiful blonde spy queen."¹ The serialized story took on a comic-strip like tone reminiscent of "Terry and the Pirates." In an obvious effort to entice readers to resume the story's next episode, it urged the reader to "catch" the next day's "absorbing account of the intrigue by the Soviet spy ring and its blonde American leader."²

A worse aspect of its yellow journalism was its substantive inaccuracies. For one, it asserted that the FBI was "convinced . . . that everything she said . . . was true."³ On the contrary, as shown earlier in this paper, the FBI had found certain of her statements inaccurate, and other of her claims difficult to verify or corroborate.⁴ Another crucial inaccuracy was the assertion that Bentley's contacts were "Communists all."⁵ Bentley had actually

admitted that she was not sure about the status of some of them, and that some were, indeed, only "fellow travelers."⁶

An important element in the World-Telegram series, and one which essentially disappears from her subsequent versions, is Bentley's contention that it was the conscious policy of the spy ring to deceive and entrap its contacts into giving information. The July 23rd installment of the series tells how her contacts were "so cleverly handled by Communist party officials that they didn't even realize they had become spies until it was too late to back out."⁷ The article goes on to say that some were "horror-stricken when it finally dawned on them" that they had been "insidiously tricked . . . into sabotaging their own country."⁸

The method by which the Communist Party built up such a spy network, according to Bentley, was by first getting its potential sources to perform "simple little chores for the party," such as delivering a letter, picking up a package, or forwarding an envelope."⁹

Once the Party officials learned that one of these people was in government service and had access to particular materials, "he was asked to see if he could find out something about a particular subject."¹⁰ According to Bentley, it was "no time before the party member, eager to advance the Communist cause, was copying airplane plans, poring through confidential files, stealing top secret

documents and photographing closely guarded data."¹¹

What is important about the above account is that it inadvertently undercuts Bentley's espionage story. It opens up the possibility that some of her contacts may have been "unknowing" participants in her spy ring. This admission, coupled with her assertions elsewhere that some contacts did not provide secret information, makes for a "spy ring" of dubious character. It is a "spy ring" some of whose members, (those not giving confidential information), did not commit espionage; while others may, according to Bentley, have done so without for a time, (if ever?), realizing it.

The burden of proof for a Bentley espionage case would thus seem to rest on three factors: one, the kind of information given; two, the "contacts'" awareness about their actions; and three, most critical of all, what Bentley thought, knew, or claimed to know about the first two factors.

The Bentley World-Telegram series elicited an immediate congressional reaction. The House Un-American Activities Committee announced on July 28 that they would subpoena Bentley to appear at a public session of their committee, and the Investigations Subcommittee of the Senate Committee in the Executive Department, the so-called "Ferguson Committee," contacted Bentley on the same day concerning her appearance before their committee.

The Senate committee managed to "win the race" for Bentley's appearance. HUAC took the "defeat" quite bitterly, though it meant only the difference of one day as far as Bentley's appearance was concerned. Louis Russell, an investigator for HUAC, told the FBI his committee had been "doublecrossed"¹² by Senator Homer Ferguson and Nelson Frank of the "World-Telegram" because HUAC had contacted Bentley first. In any case an arrangement was worked out to "share" Miss Bentley: the Ferguson Committee limiting its concerns to the Bentley-Remington meetings, while HUAC was to restrict its concerns to Bentley's other contacts. As will be seen later, however, this compromise was quite displeasing to some members of HUAC who were extremely anxious to grill her about Remington.

The Ferguson Committee was set up to look into two issues: one, "the efficiency with which the executive branch of government" was ridding itself of subversive elements; and two, the report that Russia had been importing millions of dollars worth of potential war materials from the United States.¹³ Remington, one of the few alleged Bentley contacts still in government, would thus be a subject of concern for the Ferguson Committee on both accounts: as an alleged Communist in government and because of his position as Chairman of the Department of Commerce committee which reviewed requests for the shipment of goods to Russia and her satellites.

Remington was vacationing in Vermont during this time, and was summoned back to Washington for his appearance. On July 30, Remington met with William P. Rogers, chief counsel of the Ferguson Committee, who briefly outlined the case against him and informed him that he would be appearing in half an hour before the Senate Committee in closed session.¹⁴ Rogers also told him that there was to be a public hearing in the afternoon. When Remington asked for a week's delay to prepare himself, he was advised that the senators could not rearrange their schedules.¹⁵

In response to Senate questions about the background of his introduction to Bentley, Remington gave his most detailed account of his relationship with Joseph North. He told of having a number of discussions with North in the latter part of 1941 through early 1942 on the issue of the effectiveness and sincerity of the private and governmental war mobilization efforts.¹⁶ Remington told North, as he had previously mentioned telling Bentley, that there had been excellent progress and cooperation in the country's movement for an all-out war effort.¹⁷ According to Remington, North was at first skeptical about this, but expressed great interest in his more optimistic viewpoint. He asked if Remington would discuss the subject with a friend, Jacob Golos, who was writing a book on war mobilization. According to Remington, North hoped the

former could set Golos "on the right track."¹⁸

Remington's description of his Washington meetings was consistent in most respects with his FBI account. He maintained that the information he gave was either public or background information of the kind given to reporters. Remington stated that Bentley's requests for information were of the "hit or miss" variety: she asked "for information of all kinds" and "on all subjects."¹⁹ He claimed she asked for much which he did not have, specifically plane and tank production data. In referring to these requests, he added he "would not have given her"²⁰ such information even if he had had it.

Remington also admitted, evidently for the first time, that he told her about the experimental process for producing rubber from garbage, but he claimed he discussed it with her only after it had been "discovered that the whole thing was sheer and utter nonsense and poppycock."²¹ He mentioned the incident to Bentley in order to point out the "kind of little silly things"²² that could occasionally act as delaying factors in the government's attempt to launch its rubber program.

He told the committee that on several occasions Bentley had brought various publications, particularly PM and the Daily Worker, for the purpose of showing him things for illustration. He cited, as a typical instance, her showing him an article from PM and stating, "Now look

what we said, and read it over and tell me what you think of it."²³ According to Remington, Golos and Bentley used these publications (which propounded the "business as usual" propaganda in 1942 and 1943), to elicit from him fact-filled refutations of its criticisms of the country's war efforts. He was adamant, however, in stating that he only gave public information during these discussions. He told the committee that he had felt it important (and indeed he claimed also to have been informed at the War Production Board) "to get across the idea that the United States was in the war to fight, that the United States was not playing 'business as usual,' that big business was converting to war production, and that American corporations were doing a great job."²⁴ Thus, he asserted that his main purpose in seeing Bentley "was to try and convince this supposed reporter that the United States was in there pitching in the production effort."²⁵

He stated that the United States had committed itself to supplying "quite a lot of stuff to the USSR," and that this commitment was conveyed to the War Production Board by instructions from the White House which were labeled the "Russian protocol."²⁶ They declared that war material for Russia was to "get the highest priority the War Production Board had to give."²⁷ Remington asserted that the primary reasons for his not being overly concerned or suspicious about Bentley's communist orientation were

the Russian alliance and protocol.²⁸

The wartime military alliance between the United States and the Soviet Union is an important and historically valid background factor which Remington emphasizes throughout his Senate "defense." His dwelling on the alliance is designed to discourage an ex post facto perspective on Russia which might confuse the wartime Russia--the desperate ally against Hitler; with the "cold war" Russia--the dreaded Communist conspirator. Remington, not suprisingly, repeatedly alluded to the impact of the alliance on his job at the War Production Board.

A particular concern of the committee, especially of Senators McClellan and O'Connor, was whether Remington had given Bentley information on his own initiative, or whether he had been given specific instructions or consent from his superiors. Remington told the committee he felt that he had been "acting within the general instructions of . . . (his) . . . superior with respect to public relations," though he added that he had "never in any job received specific instructions from a superior . . . (about) . . . what to say to a reporter or whether or not to see any specific reporter."²⁹ Senator McClellan was not satisfied with the vagueness of this answer, and in the committee's first of many shows of impatience, he responded sharply:

You know whether you had any duty or responsibility in connection with the press for releases to it and for

dissemination of information through it. . . . I am trying to nail this down. . . . You can explain any answer you want, and I want an explanation. I may have the greatest sympathy on earth for you when I find out the facts, but I want the facts.³⁰

McClellan's speech is illustrative of the "black and white" mentality prevalent in some members of the Ferguson Committee. A primary characteristic of this viewpoint is the attitude that matters are necessarily susceptible to factual or finite explanations. Anything that seems to be a "grey area," or the least bit nebulous or interpretive is viewed as equivocation or worse. This outlook will be unfortunate for Remington, since his "defense" will involve such imprecise elements as misunderstandings, interpretations, and ideological shadings.

It was the circumstances of his Bentley meetings which caused the most skepticism at this first Senate session. When he told of leaving his office during the day to meet her at such locations as the National Gallery, park benches, and street corners, the committee vigorously questioned whether this kind of activity was not "a bit unusual" and "outside of the regular routine"³¹ of duties.

McClellan led the questioning and, in the zeal of his probe, made a prejudicial insinuation when describing the locations as "places where you didn't expect to be seen."³² Remington at first attempted to defend the circumstances of the meetings. He argued: that as a junior

staff member he was not in the habit of having people come to his office; that he had tried on numerous occasions to get her to come to his office; and that he thought it was ". . . part of . . . (his) . . . duties to go downtown to meet anybody that . . . (he) . . . thought would help the job that . . . (he) . . . was supposed to do."³³ He later relented under pressure and admitted that, at his "present age," it looked "definitely suspicious," and even "preposterous."³⁴

The committee felt that Remington ought to have had stronger suspicions based on his contacts with Bentley. They questioned, for example, why he did not realize Golos and Bentley were Communists since he met them through Joseph North, a known Communist.³⁵ Or why he did not become wary about her Communist affiliations when she periodically made comments about the Daily Worker, such as: "Keep . . . (it) . . . ; it will do you good."³⁶ Senator McClellan, in a question that implies a rather rigidly conformist attitude toward political protest, asked Remington whether the fact that the Daily Worker was critical of the United States was "not sufficient in time or war to arouse . . . suspicions as to her loyalty."³⁷

Remington's response to these questions was a complex one, showing that it was the kind of subject for which a simple, factual answer was inappropriate. He states to the committee that he eventually did become

suspicious of Bentley, but not to the point where he felt moved to report her to the authorities or his superiors.

He stated:

Now when you are giving triple A priority as an organization to planes and guns and tanks for the Russians, and when you get your primary attention to get the stuff to the Russians, . . . -you don't stop to question a reporter who is obviously interested in getting stuff to Russia. You are trying to convince that reporter that 'God, yes, we are carrying out the instructions, and we are not sabotaging the President's instructions.' We are trying to carry it out, and so when she showed me an article in the Daily Worker . . . and when she obviously was interested in getting stuff to Russia, it didn't arouse my suspicions, because that is what Harry Hopkins was doing more than she was."³⁸

As for the question of whether Golos was a Communist, Remington stated that if he had stopped to think about it, he "probably would have guessed" that he was, but that at the time he didn't bother to "think it through."³⁹

Remington also cited his age (he was twenty-four when he first met Bentley) and his naiveté as other factors contributing to his lack of circumspection. He rather cryptically admitted that he had been "a little naive . . . up until . . . (he) . . . began to learn some lessons a few years ago."⁴⁰

As for wariness about Bentley being a Communist, Remington told the committee that while he never "knew she was a Communist, he did slowly become somewhat suspicious of her" to the point where he "queried her as to why she wanted to know certain things."⁴¹ He also said:

After I had talked to . . . (her) . . . several times,

and along about the end of 1943, it began to dawn on me that she was probably a Communist, and at that time I began to shy off.⁴²

As a result of these feelings, he said, the last few meetings with her (just before he went into the Navy) were rather "unpleasant."⁴³ As Remington described it, the unpleasantness was not "in the sense of harsh words," but rather that he was "obviously quite reserved" with her, to the point where "she wondered why."⁴⁴

One question, albeit an unresolvable one, which might be raised here is why Remington did not notify his friend Bernard Redmont if, as he claimed, he felt suspicious enough about Bentley's Communist orientation to break off his "relationship" with her. It would seem, as stated earlier, that he ought to have felt a strong sense of responsibility for the latter's relationship with Bentley.

NOTES--CHAPTER 8

1. New York World-Telegram, July 21, 1948, p. 1.
2. FBI, Remington Memorandum, July 27, 1948.
3. New York World-Telegram, July 23, 1948, p. 4.
4. See Chapter 1 of this paper.
5. New York World-Telegram, July 21, 1948, p. 1.
6. FBI, Bentley Report--"Summary of FBI Investigations," n. d.
7. New York World-Telegram, July 23, 1948, p. 1.
8. Ibid.
9. Ibid., p. 2.
10. Ibid.
11. Ibid.
12. FBI, Remington Memorandum, July 29, 1948.
13. New York World-Telegram, July 29, 1948,
p. 1.
14. Lang, "The Days of Suspicion," p. 39.
15. Ibid.
16. Export and Loyalty Hearings, p. 1890.
17. Ibid., p. 1871.
18. Ibid.
19. Ibid., p. 1883.
20. Ibid.
21. Ibid., p. 1874.
22. Ibid.
23. Ibid., p. 1873.
24. Ibid., p. 1881.

25. Ibid.
26. Ibid., pp. 1887-1888.
27. Ibid., p. 1888.
28. Ibid., p. 1887.
29. Ibid., p. 1882.
30. Ibid.
31. Ibid., p. 1885.
32. Ibid.
33. Ibid., p. 1881.
34. Ibid., p. 1886.
35. Ibid., p. 1872.
36. Ibid., p. 1873.
37. Ibid., p. 1883.
38. Ibid., p. 1888.
39. Ibid., p. 1872.
40. Ibid., p. 1887.
41. Ibid., p. 1891.
42. Ibid., p. 1872.
43. Ibid.
44. Ibid., p. 1893.

CHAPTER 9

BENTLEY'S SENATE HEARING

The public session of the Ferguson Committee hearings began that afternoon. Remington was in attendance but was not to be questioned until the following morning. Senator Ferguson was so eager to emphasize the significance of the hearings that he used the words "important" or "importance" six times in the first three paragraphs of his opening remarks.¹ He also issued in his preliminary remarks the disingenuous disavowal that the Committee was not going to probe the issues of Remington's disloyalty or guilt.² This was a pledge the committee would make little effort to uphold.

Elizabeth Bentley's first public appearance that afternoon naturally attracted full media coverage. C.P. Trussell, the New York Times reporter covering the hearings, reported how she began her testimony "blazed at by cameras" and "amid signals for the opening of radio and television circuits."³

It was obvious from the very beginning that the tone of the general treatment of Bentley was to be quite different from that used with Remington. The questioning

of Miss Bentley was most gingerly and polite, as was evidenced in the early probing by Senator Ferguson. After asking her how old she was, he playfully corrected himself saying, "If you do not want to answer that question, that is all right, that is a woman's privilege."*

The Committee's questioning about Bentley's early political propensities reveals some interesting ideological assumptions on their part. Their discussion of her early "leftist interests" suggests a view that these beliefs were something inflicted upon a person, rather than being ideas that might be freely or rationally adopted. Senator Ferguson, for example, asked her who she "might hold or say was responsible for her Communist ideas."* Actual membership in the Communist Party was seen as something into which one was "seduced." Senator Thye propounded this "seduction" theory to Bentley, saying: ". . . that is the usual or customary way of winning friendship for the movement to begin with: through some personal friendship comparable to your friendship for Mr. Golos at the outset."*

Senator Wherry's discussion of her early interest in socialism implies that such a political ideology was some kind of aberration or disease whose origins needed to be probed for future avoidance. Upon learning that her parents were Republican, he asked:

How did you stray so far from the fold? . . . I think it is very serious; here is a young person, a graduate

of Vassar University and a product of the public-school system of this country, and now where did you get this desire or this socialistic tendency??

Bentley's general story to the Committee covered much of the same ground as her FBI account, though she limited herself, at their request, to naming only two alleged contacts: Remington and Mary Price (who was Walter Lippmann's secretary for several years).

One of the more noteworthy parts of Bentley's opening testimony is her discussion of her early motivations and feelings about being an espionage courier. In speaking about her feelings, she also took it upon herself to speak generally for all Communists, and asserted feeling neither disloyalty to the United States, nor any sense of being an "agent" of Russia. Ironically the very reasons she cited for her early feelings of guiltlessness were the very ones used by Remington to rationalize his innocence and lack of suspicion about her--namely, the wartime alliance with Russia and its manifold repercussions. She told the Committee:

. . . as far as the Communists are concerned, they felt very strongly that we were allies with Russia; that Russia was bearing the brunt of the war; that she must have every assistance, because the people from within the Government, from what they had been able to dig up, were not giving her things that we should give her, things that we were giving to Britain and not to her . . . they felt . . . it was their duty, actually to get this stuff to Russia. Because she was hard-pressed and weakening, and someone must help her.^a

Though the reasoning is the same, there is, of

course, the obvious difference in viewpoint, with Bentley seeing it from the Russian-Communist perspective, and Remington from the "co-operative" United States vantage point. Nonetheless, Bentley's introduction of the wartime, "common front" perspective ought inadvertently to have reinforced Remington's efforts to present his case in a context different from that of the Cold War.

Bentley described her average contact as a "misguided idealist" who felt they were providing information "for something that they believed was right."⁹ Contrary to the impression given in the World-Telegram series, she stated that her contacts, the majority of whom were government employees, were not exclusively Communist Party members.¹⁰ In order to keep their status as "agents" as confidential as possible, they were urged to avoid public contact with other Communist individuals, fronts, or units.¹¹ Golos provided her with the names of the people she was to meet, as well as "a long list of things to ask for," such as the "names they wanted information on . . . , the subjects they were interested in, . . . (and) . . . the particular data they wanted." According to Bentley, however, they were "more or less on their own"¹² in that they were to gather any unsolicited information they might find useful.

The Committee, which devoted less than half their questioning to the issue of Bentley's contacts with

Remington, began this probe by asking about the background of her meeting him. She told them how Joseph North, a mutual friend of Golos and Remington, had acted as the former's lookout for "information and agents" and had advised Golos that Remington might be "good material."¹³ Bentley explained that this meant that he was "at least in a good spot or headed for a good spot, where he could find good information."¹⁴ Bentley also asserted that Golos had informed her before she met him, that Remington was a Communist. In her book Out of Bondage, Bentley presented Golos' appraisal of him as a potential contact:

I think we've got another good contact. . . . Not only is he a reliable Communist, but he's brilliant in his own field and should go far in government. Moreover, he's got a good solid middle class background--fine family, education in well-known schools--and he has a reputation for being respectable. I doubt if any of his friends or acquaintances has the slightest suspicion that he has any radical tendencies. I don't know how useful his present job will prove. But with the proper training, we can always move him into some more productive government agency.¹⁵

It is perhaps useful to point out here that some historians see problems with Bentley's tendency in her book to use direct quotes, such as the one above, so long after the fact. With the above quote there was approximately a ten-year time lapse, the comment supposedly being made in 1941 or 1942, and the book being written in 1951. Herbert Packer calls the practice "questionable" at best and complains, "It is inconceivable that Miss Bentley can have remembered, word for word, hundreds of conversations ranging

from 1934 onward."¹⁶ Packer argues that this tendency represents "perhaps the major difficulty about accepting her book as a useful adjunct to . . . Bentley's formal testimony."¹⁷ Most serious of all, Packer argues that it "raises questions about both the accuracy of her recollection and her sincerity."¹⁸ Such questions, according to Packer, "quicken one's suspicions that the same tendency may exist in her sworn testimony."¹⁹ This "tendency" Packer describes as a penchant "to bolster a story by the elaboration of detail."²⁰

In her discussion of the locations where she met Remington, Bentley reveals how highly selective and inconsistent her memory could be. While she repeatedly recalled ten-year-old conversations word for word in her book, she was unable to recall at the hearing their first specific meeting place in Washington, and more remarkably, did not recall the location which, in her final account, was the most important spot of all--namely, the Remington car. She failed to remember this, even though twice prodded to remember locations.²¹

This evident memory lapse points up once again the case's "time element" problem. In this instance, however, Bentley did not cite time as a factor clouding her memory, but rather the confusion stemming from the fact that she had "met so many people in so many places."²² These "blurring" factors will be kept in mind throughout the

review of this case.

Bentley did recall that at her early Washington meetings with Remington, they discussed such topics as where he was employed and "the type of position he had . . . as far as . . . (the) . . . availablity of material"²³ was concerned. She also asserted that she "talked to him about what he had in the way of information and asked that he bring it."²⁴

She reiterated that the money he gave her was Communist Party dues, though she was unable to remember such details as how much or when he paid her. She did recall that he paid very irregularly and reluctantly. She denied ever collecting money for Communist fronts, as Remington contended.²⁵

Bentley portrayed Remington as a circumspect and nervous contact. She told the Committee, for example, that when she brought him so-called "communistic literature," he "didn't care to take it in the summer when he had no overcoat to hide it in."²⁶ She said that this was typical behavior for Remington, claiming that he generally "conducted himself . . . (so) . . . as to make it appear that he was exercising the greatest caution and secrecy."²⁷ As further evidence of this concern for secrecy she described his actions when giving her information, as "very nervous, very jittery, and obviously scared to death that anybody would find out he was doing this."²⁸ According to

Bentley, however, Remington was just one of the many contacts who behaved in such a manner. In her book she referred to these contacts as "problem children, due to their youth and nervousness about undercover actions."²⁹

Ultimately, Bentley felt the arrangement with the Remingtons was more trouble than it was worth. She told the Senators that she "had the definite feeling that he [Remington] did not like what he was doing, and did not like" giving her information.³⁰ She elaborated on this negative attitude by describing how Remington would often "resort to elaborate and quite transparent subterfuges" in order to avoid what she called his "Communist duties." He would deprecate, for example, the value of his information, saying it "was not worth bothering with." He would also either pretend to be "tied up in non-existent conferences" or be "unreachable"³¹ on days when she was in Washington.

According to Bentley, the problems of extracting information from Remington were compounded by the fact that "he and his wife both seemingly kept trying to get into Communist front organizations or left-wing organizations." Her analysis of such behavior was that it was "doubtless in the hope that by becoming well known as Reds, that they would lose their value"³² to the undercover operation.

This seems, however, an unlikely recourse for "fugitive" espionage agents. It would seem that a more

likely course of action would be to "cover their tracks" by going to the opposite extreme of becoming "anti-Red." Bentley contended in her book, nonetheless, that she finally got so annoyed with Remington's behavior that she periodically suggested to Golos that Remington be returned to the "open party."³³

As for Bentley's general attitude toward Remington, it does not appear that spite was a significant factor. She was, however, rather uncharitable, inconsistent, and even hypocritical in her criticism of him. While, as seen earlier, she denigrated his nervousness and uncooperativeness as a "spy," saying at one point that he reminded her of "a small boy trying to avoid mowing the lawn or cleaning his room,"³⁴ she criticized him elsewhere for his failure to leave the spy ring. She castigated him, on the one hand, for lacking the "courage to break with the Party and to refuse to continue his undercover activities"; while on the other hand, she portrayed him elsewhere as futilely trying to leave the "ring," and emphasized the Party's inextricability, calling it the "land of no return" and "an ugly intrigue . . . (with) . . . no way out."³⁵

The description of Remington and other contacts as "nervous" and unwilling about their meetings certainly implies a sense of guilt and thus an awareness of what they were doing. This awareness is, again, one of the crucial

points for an espionage case. As the following interrogation shows, the Senators were well aware of this. When questioned directly about whether her contacts "knew they were giving for the purposes for which" she was gathering, she backed off a bit and responded somewhat vaguely saying, "Some did; some didn't."³⁶

Senator Wherry, showing impatience with anything other than a cut-and-dried espionage case, responded: "What else could it be, then? Why would they do it?" To this, Bentley replied:

In some cases they believed the information was going to Mr. Earl Browder for his use in writing books. And in some cases in which it was not military nor was it particularly restricted, they could very easily have believed that.³⁷

At this point Senator Wherry seemed more interested in getting the worst possible case on the record than in fully probing Bentley's story. He failed to raise such obvious questions and issues as: what might have prompted her subjects to think the data was for Browder; and whether she knew for certain which contacts knew where the information was going. Instead, he continued to try to force from her a more clear-cut statement on the matter, asking: "But in the main . . . they knew the purposes for which you were gathering the information generally?"³⁸

At this point Bentley showed her malleability as a witness by partially succumbing to Wherry's pressure. She answered his question in the affirmative saying: "Correct.

Although they never said so, I believe so. . . ."39 This reply, however, still held enough uncertainty to rankle Wherry, for he inquired sarcastically: "Did they think they were gathering it for ghosts? Did they think they were gathering it for anyone else?"

Had she wished to be a witness of integrity, this questioning represented the perfect occasion for her to explain the possible reasons why some contacts may have been uncertain about their actions, namely "the insidious trickery" and deception she and Golos had reportedly practiced upon them. Instead, she merely replied: "I just can't state of my own knowledge that they knew. I presume they must have."<40

This "presumption" of knowledge was as far as Bentley would go on the matter, though it was a significant alteration of her testimony shortly before which maintained that some "didn't know."

Bentley's silence about spy ring deception and her partial retraction about her contacts' knowledge of their actions illustrates what Herbert Packer sees as a general problem with the testimony of ex-Communist witnesses: their pre-eminent interest in being "useful."<41 He says that "useful has meant, all too often, useful to the immediate political purposes of their interrogators," and adds, "It would be surprising if this interest did not result in exaggerations and even in occasional distortions."

The "immediate political" purpose for the "Ferguson" Committee seemed to be to get Bentley's espionage story on record as quickly as possible, with a minimum of mitigating factors weakening their contention that the government had been remiss in handling the problem of "Communists in government." Bentley's silence and partial retraction were the "useful distortions" needed by the Committee.

An important factor motivating ex-Communists to be "useful" witnesses was self-protection. As Bentley must have realized, her freedom from indictment depended on her ability to produce a case against others. Elements weakening the case against her accusers would be against her best interests, and thus might be viewed as something to be removed from her story.

The most dramatic example of an elimination of detail appears in her response to a question about Remington's alleged understanding that she was a PM reporter. It will be recalled that when the FBI questioned her about this issue the year before, she had given Remington's explanation a degree of plausibility by attempting to explain why he might have made such an assumption.⁴² The following dialogue with the Senate Committee shows her "revised" account on the subject:

Sen. McClellan. Well, in your contacts with Remington, and in your conversations with him, was there anything ever said by you or by him that would lead him to believe or to understand that the

information you were getting from him was for use in writing articles for the Daily Worker or PM?

Miss Bentley. Not from me, Senator, no.

Sen. McClellan. Have you ever heard of any such intimation before just now; that he thought at the time he gave you information that he was giving the information to a reporter for one of these papers?

Miss Bentley. No.

Sen. McClellan. Have you ever heard of that?

Miss Bentley. No, I never have.

Sen. McClellan. And then would you say to this committee that, as you have described your relations and your contacts with Remington, that was also Remington's full knowledge and understanding of your associations and contacts together?

Miss Bentley. Yes, I would, Senator.⁴³

Bentley has not only eliminated the idea that Remington may have thought she was with PM; she has also perjured herself in denying that she had ever heard "of its intimation."

The dual elimination (by both the FBI and Bentley) of commentary that might have weighed in Remington's favor was repeated with the synthetic rubber formula. As mentioned earlier, Bentley had originally belittled this information, calling it "quite vague and probably of no value even to a chemist."⁴⁴ The FBI eventually eliminated this characterization of the formula from subsequent reports dealing with the information received from Remington. Bentley "adjusted" her public story as well.

When questioned by the Senate Committee about the formula, she referred to it as "quite a complicated thing." * Such modifications raise serious questions about the integrity of both Bentley and the FBI as prosecutorial agents in this case.

As background to such distortions of justice one needs to consider the dilemma facing the government in its efforts to establish a Remington espionage case. With its leading witness admitting that: 1) her contacts were generally tricked about what they were doing; 2) that Remington, the main subject of the probe, may have been one of those deceived (thinking that she worked for PM); and 3) that the most specific piece of "secret" information cited (the rubber formula) was essentially worthless, their espionage case was in serious trouble. How was the government ever going to be able to establish a case of espionage or even perjury (that Remington had lied in denying he had knowingly given secret information to a spy)? They were eventually able to do so partly because, as has been shown, the above aspects of her story were, by various means either downplayed (the "trickery" element) or eliminated from consideration before she was cross-examined publicly.

Another crucial issue in the establishment of Bentley's espionage case was the nature of the information received, and there are a number of questions to be probed

on this issue. For one, there is the question of whether she herself knew if the data was classified or secret. When asked this question during the hearing she replied in the affirmative. Yet, several rather tentative answers suggest that there was a degree of uncertainty on her part. For example, when questioned about the confidentiality of one contact's information, she said somewhat qualifiedly, "I would say it was confidential. . . ."46 At another point in her testimony she again seemed a bit uncertain when asked about the data Remington brought her toward the end of their relationship. She said about it: "I suppose it was confidential."47

She said that some of the material she received was marked secret, but that none of Remington's was because he avoided bringing her "original things"48 due to his fear of being detected. She described to the Committee how he would carefully take down "these little formulas and figures on scraps of paper, because they were easier to put in his pocket, . . . and no one would suspect it."

An important question to be raised about whether Bentley knew the material was secret is whether or not she ever looked at the data. According to her, she did not always carefully examine it. She said, when asked the question at the hearing:

It all depended. Original documents went straight through. Copies that were legible went straight through. But when there were handwritten notes and poor typing, and so on, I simply re-did them for

clarity's sake.⁴⁹

This statement suggests that when the material was either original or legible, she did not look at it. A question that arises here, but which is not raised at the hearing, is whether she bothered to copy handwritten notes like Remington's if they were legible, or whether she simply sent them through.

Her responses to Committee questions about the confidentiality of Remington's information suggest a rather uncertain independent knowledge of the issue. Her first response to the question was: "From what he said, that information was certainly secret."⁵⁰

When probed for a more definitive statement about the data's secrecy, she again gave a rather indirect assertion. The dialogue went as follows:

Senator McClellan. And he knew and you knew when you were getting that information from him, and he was giving it to you, that it was secret information of this Government?

Miss Bentley. That was the impression he gave me, distinctly.⁵¹

Both answers avoided addressing the matter of her independent examination or knowledge of the information, and instead emphasized an indirect awareness based on Remington's behavior and "what he said."

The latter basis (Remington's appraisal) contradicted the story version she gave elsewhere on the following two accounts: 1) that they did not discuss the

secrecy of the information per se; and 2) that when they did discuss it, he tended to downplay its importance.⁵²

She had previously responded to the question of whether Remington had ever discussed with her "the fact that . . . (she) . . . was getting confidential information from the United States records and files" by saying, "No; because you do not sit down and discuss things like that."⁵³

Another element conceivably "clouding" Bentley's characterization of the information is, once again, the "memory" factor. Since, as shown earlier, she had had serious difficulty recalling the places where she met Remington due to her confusion about by meeting "so many people" in so many places, it seems equally likely that the source and type of information gathered from "so many people" at so many different times would also have been difficult to keep track of. This would seem particularly likely considering the fact that, as she said, she neither looked at everything received, nor, in Remington's case, talked about it.

Bentley categorized the information received as either political or military, saying that with some contacts it "started out modestly by being political, and as time went on we started taking on military, too."⁵⁴ Both were ultimately sent, she "supposed," to the Russians, with the political data first observed by Earl Browder

before it was "turned over."

One of the most important parts of Bentley's Senate testimony is her assertion that Mrs. Remington was present at some of the meetings with her husband. She first mentioned this very dramatic point in the following colloquy with the committee:

Senator O'Connor. . . . Were any other members of his family members of the Communist Party, to your knowledge?

Miss Bentley. Yes; his wife.

Senator O'Connor. How do you know?

Miss Bentley. Because he was paying dues for her too.

Senator O'Connor. Did you yourself ever have any conversation with Mrs. Remington concerning Communist affiliation?

Miss Bentley. Yes, I can remember bringing literature one time when she was there, Communist literature, and talking over with her whether that was what she wanted, and so on.

Senator O'Connor. And what was her reply?

Miss Bentley. I think she liked some of what I had brought, but she asked for other types that I hadn't brought. I am sure she was present one time when we were discussing dues, and Bill said they were sort of hard up at that time, and it was going to be very hard to produce them.⁵⁵

What strikes one in reading this testimony is how oblique Bentley was about introducing the "key" revelation that there was a witness to her espionage meetings with Remington. What is particularly significant about Mrs. Remington's alleged presence is that it is one of the few

matters which is not susceptible to Remington's common argument that Bentley's different version of the facts was due simply to misunderstandings. It is one of the few "black and white" issues of the case--she was either there or she was not. Bentley said she was; Remington maintained she was not. Another fascinating aspect about Bentley's "revelation" is that it seemed to go virtually unnoticed by both the "Ferguson" Committee and by historians, such as Herbert Packer, who are familiar with the case.

Packer, in discussing the two versions of the Bentley-Remington relationship, misses this key difference concerning Mrs. Remington. He says that the differences in their two versions can be neatly summed up by William P. Rogers' assertion that Remington "admit[s] everything Bentley says, except . . . [that] . . . she misunderstood . . . [his] . . . motives. . . ." "Remington clearly did not admit everything, for he denied to the very end that there was a corroborative witness, e.g. that his wife was at any of the Washington meetings.

The Ferguson Committee's reaction to the "Mrs. Remington" disclosure might best be described as somnolent. One would assume that upon hearing about a witness to corroborate Bentley's story that they would immediately have questioned Remington about it when he appeared on the stand. Such was not the case. Perhaps even more amazing is Remington's uncountered statement four days later.

There was no controversy when he made the following assertion: ". . . The next thing I want to come to is the question of witnesses. There is nobody who can come forward and be a witness as to what I actually gave Miss Bentley."57

One can only speculate about the apparent obtuseness of the Committee and Remington's boldness in confronting it. Was he "testing the waters" to see whether they had grasped the meaning of Bentley's statement? Did the Committee think that she was referring only to the Schrafft's' meeting where no data was transferred? Or was the Senate, like the Justice Department, proceeding quite delicately with anything relating to Mrs. Remington due to a possible pending divorce? Mr. Rogers' comment about their story differences being only "misunderstandings" seems to belie the latter explanation.

As to the question of who was telling the truth about Mrs. Remington's presence, it seems most likely that Bentley was. For one thing, the Remingtons were still legally married. It would, therefore, seem unlikely that Bentley would base her story on a statement whose corroboration depended on the perjury of a wife against her husband. On the basis of this unlikely scenario, it appears that Remington perjured himself in denying his wife's presence. It also reveals, interestingly, his heavy reliance on Mrs. Remington's "back-up" of his story against

Bentley. This is a bit surprising considering his harsh, albeit unpublic attacks on her, as well as his imminent divorce. It is difficult to appraise the significance of this apparent perjury, though it should perhaps be allowed that it does not necessarily mean the rest of his story is false.

Senator Ferguson's closing remarks of the day suggest that the question of Remington's guilt, despite protests to the contrary, was as much the focus of the Committee as was any concern with the efficiency of the Government's employment policy. He said:

. . . we will give Mr. Remington his day in court
. . . It is the desire of the committee in any of these cases to give every party a full hearing; that no man may be smeared unless the facts themselves may cause him harm or damage . . . He will have an opportunity to present to this committee all of the facts, . . . The facts will speak for themselves.⁶⁸

After Bentley's hearing, Senate counsel Rogers reportedly approached Remington and asked him "if he didn't think someone should spend the night with him," to which question Remington reportedly replied, "Oh nuts, I'm not going to commit suicide."⁶⁹

As he later told New Yorker reporter Daniel Lang, the hour following Bentley's testimony was "one of the blackest" in his life. When he saw the story "splashed all over the papers," he told Lang, he was "stunned and saw his career ruined."⁷⁰

NOTES--CHAPTER 9

1. Export and Loyalty Hearings, p. 1.
2. Ibid.
3. New York Times, July 31, 1948, p. 1.
4. Export and Loyalty Hearings, p. 2.
5. Ibid., p. 4.
6. Ibid., p. 47.
7. Ibid., p. 3.
8. Ibid., p. 24.
9. Ibid., p. 15.
10. Ibid., p. 11.
11. Ibid., p. 6.
12. Ibid., p. 36.
13. Ibid., p. 28.
14. Ibid.
15. Bentley, Out of Bondage, p. 178.
16. Packer, Ex-Communist Witnesses, p. 59.
17. Ibid., pp. 59-60.
18. Ibid.
19. Ibid., p. 223.
20. Ibid., p. 59.
21. Export and Loyalty Hearings, p. 31.
22. Ibid., p. 31.
23. Ibid., p. 29.
24. Ibid., p. 32.
25. Ibid., p. 28.

26. Ibid., p. 32.
27. Ibid., p. 39.
28. Ibid.
29. Bentley, Out of Bondage, p. 178.
30. Export and Loyalty Hearings, p. 46.
31. Bentley, Out of Bondage, p. 180.
32. Ibid., p. 181.
33. Ibid.
34. Ibid., p. 177.
35. Ibid.
36. Export and Loyalty Hearings, p. 14.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. Packer, Ex-Communist Witnesses, p. 226.
42. See p. 56 above.
43. Export and Loyalty Hearings, p. 38.
44. See p. 11 above.
45. Export and Loyalty Hearings, p. 32.
46. Ibid., p. 41.
47. Ibid.
48. Ibid., p. 32.
49. Ibid., p. 17.
50. Ibid., p. 32.
51. Ibid., p. 39.

- 52. Bentley, Out of Bondage, p. 180.
- 53. Export and Loyalty Hearings, pp. 30-31.
- 54. Ibid., p. 12.
- 55. Ibid., p. 30.
- 56. Packer, Ex-Communist Witnesses, p. 78.
- 57. Export and Loyalty Hearings, p. 241.
- 58. Ibid., p. 47.
- 59. Lang, "The Days of Suspicion," p. 39.
- 60. Ibid., p. 40.

CHAPTER 10

REMINGTON'S SENATE HEARING

On July 31, 1948, the day after Bentley's appearance. Remington took the stand for his first public testimony. Chief counsel Rogers and Chairman Ferguson tried to make a point early in the proceedings of conveying an attitude of fairness, emphasizing that he would have "a full opportunity to present . . . [his] . . . side of the picture." Unfortunately for Remington, however, such an opportunity was not made available because the hearings closed prematurely, ostensibly because of the Truman Administration's failure to provide the committee with data.

His first day of public hearings was rather uneventful, with the questioning covering such non-Bentley issues as his ideological preferences and associations. It did, however, feature some elements that would be prominent throughout his self-defense, such as his emphasis on the U.S.-Russia wartime alliance and his identification with and support of the Committee's anti-communist purposes. Also briefly evident at this session was the Committee's antagonism toward Remington. This attitude first appeared

somewhat subliminally in the form of insinuations and innuendo, but it "exploded" at a later session into a hostile disbelief of his entire testimony.

His citation of the war alliance was in defense of his association with Communists such as his mother-in-law and the rest of the "Croton crowd." To buttress his point that there was then a very different attitude toward Russia and Communists in general, he cited a variety of elements. He pointed out, for example, the common war objectives of the two countries; the desires of large elements in both political parties to do "their utmost to co-operate with the Russians"; the attendance by Mrs. Roosevelt at meetings of organizations such as the American Youth Congress; and President Roosevelt's release of Earl Browder from prison. Remington capped his argument by stating that:²

At that time [during the war] . . . there was no ground for regarding Communists as active, industrious enemies of the United States.³

The Committee's adversarial stance was insinuated into the proceedings in a highly pointed and exaggerated question by Chairman Ferguson about the potential importance of his Commerce Department position to the Russians. Ferguson asked:

. . . If Russia had a desire to place a spy in the American Government, or a man who would give them information, do you know of a more important spot than that committee, or your position?⁴

Such inflammatory questions were perhaps intended

as much to dramatize the supposed abuse of Remington's survival in government as they were to rankle Remington.

Remington responded in equally hyperbolic fashion, saying that there were "several thousand jobs in the Federal Government, perhaps several tens of thousands of jobs"⁶ that the Russians would be more interested in.

Faced with the end of the day's session without a chance to rebut Bentley's charges directly, Remington availed himself of the opportunity to posit a strong anti-communist posture. He did this in a highly reactionary speech which even allowed for an occasional forsaking of civil liberties:

There are some principles that have been established with respect to judicial procedures and related matters in this country, in a democracy, that grow out of our very great concepts of the dignity of the individual. And I appreciate the fact that at this time, when we are threatened by an external enemy, we cannot as a nation stand blindly by our faith in the individual and the individual's integrity; we cannot stand blindly by our democratic processes while the country is threatened. . . . We cannot stand by them in quite the way that we could if we were not threatened by an external enemy and an internal enemy.⁶

On August 3, 1948, Remington made his second public appearance in an all-day session before the Senate Committee. His testimony at this session was complex, and at times contradictory. While he praised the Committee for its "fairness" of treatment and worthiness of purpose, he also lashed out at it for destroying his reputation and for lacking concrete evidence against him.⁷ While defending

his actions with Bentley, he also criticized himself for his naiveté and lack of circumspection, calling the circumstances surrounding his actions with Bentley "preposterous and folderol."⁹ He remarkably praised Bentley for her honesty, despite the fact, that his story was significantly at odds with hers. He maintained the position that Bentley was simply mistaken about or had misinterpreted his actions, despite the fact that her most important discrepancy (his wife's presence at the meetings) was not susceptible to misinterpretation.⁹

This session also marked the end of any pretense on the Committee's part of a show of patience or positive feelings toward Remington. Their interrogation would be repeatedly impatient, insinuating, and nasty.

Remington took the opportunity once again to cite the atmosphere of the wartime alliance to explain why he did not report Bentley to the FBI or his superiors. He argued that during the war, he "would have had to conclude that she was worse than an ordinary communist" before "reporting"¹⁰ her. He also suggested that he might even have given her information if he had known for certain she was a communist because, as he asserted he "would be making a contribution in trying to convince a Communist, or some . . . Communist unions that they should support a sincere war effort, . . . and not fight to hold back a sincere war effort."¹¹

As support for this point he cited the "attacks that the Communist unions had made on the war program," and added:

Now, if I had known Golos was a Communist, I think I should have been in there slugging as hard as I could to try and convince him that his government was worthy of all the support it could get, including the support of those insignificant and splinter Communist groups.¹²

Another reason Remington gave for not seeking an investigation of Bentley was that, as he put it, he was "very careful about that kind of thing,"¹³ and that he was "not one who goes around being careless"¹⁴ about labeling people as Communists.

This explanation is, of course, highly ironic and hypocritical in light of his virtually indiscriminate informing for the FBI.

The Committee naturally sought to probe the discrepancies between the Bentley and Remington versions of the events. One of their key differences was whether, as Senator McClellan phrased it, Remington had "so conducted himself as to make it appear he was exercising the greatest caution and secrecy."¹⁵ Remington described such an interpretation as a misunderstanding to be attributed to the fact that "she [Bentley] was engaged in a tremendous conspiracy" and "was overwhelmed by the psychology of it."¹⁶

As to the matter of whether Bentley had ever

represented herself to him as a newspaper reporter, he said he recalled "very clear and convincing implications that the information was for newspapermen."¹⁷ He remembered incidents when he would evaluate data in newspaper articles for her, after which she would make comments such as: "Well, I will go back and tell so-and-so, who wrote it." Remington added that he thought it "inconceivable" that she had "unconsciously" kept up the "fiction of being concerned with newspapermen."¹⁸ Later, however, he backed down somewhat on how explicit she had been about working for a newspaperman, saying: "She didn't actually say she worked for this reporter, and she may not have meant to imply it."¹⁹

Concerning the matter of whether he had told her his information was confidential, Remington contended that he told her the data, such as the "formulas," was "important"²⁰ rather than "secret." He explained once again that he meant "important" in the sense that it exemplified the kind of project which, because of testing, could delay the overall rubber program.

Another significant difference in their stories concerned the money given to Bentley. While she said it was Communist Party dues, he claimed it was a contribution to an Anti-Fascist refugee fund for which Golos had solicited money.²¹ His explanation for Bentley's misconception was that she had not heard his conversation

with Golos, on which point Bentley agreed.²² The Committee questioned Remington about his apparent internal contradiction concerning the amount of money given. Remington had, in his earliest FBI interviews, mentioned only giving her "nickels and dimes" to purchase her publications, while he later said he paid her \$25-\$35. Remington rationalized the discrepancy by contending that he was "as tense as"²³ he had ever been during the FBI interviews and only remembered the contribution later.

Senator McClellan had difficulty accepting Remington's story that there was a misunderstanding about the dues, seeing it more as a factual matter. The following dialogue shows his skepticism:

Sen. McClellan. Did she tell you she wanted your Communist dues? Answer that "yes" or "no."

Mr. Remington. No, sir.

Sen. McClellan. She never told you that?

Mr. Remington. Yes.

Sen. McClellan. If she says she did, she is not telling the truth?

Mr. Remington. She says that she is telling the truth, and she is not telling the truth. She only thinks she is.

Sen. McClellan. She could be mistaken about that,
...

Mr. Remington. Sir, everybody makes mistakes, including myself.

Sen. McClellan. I know, but these are pretty important mistakes; are they not, and you know whether you were paying dues to her as a Communist, and she knows whether she is collecting Communist dues, there

could not be any mistake about that.

Mr. Remington. Yes, there is. I can vouch for it.

Sen. McClellan. One of you is not stating the facts.

Mr. Remington. I can vouch for the fact I am, and I can explain how she thinks she is.

Sen. McClellan. You have some wonderful explanations.

Mr. Remington. Thank you, sir.²⁴

That such skepticism would arise about Remington's story is certainly understandable. What particularly stretched credibility was the number of misunderstandings on which his story was based. His story rested on her misconstruing the money collected, the character of the information received, and the purpose for which the data was collected. To which "errors," he added her mistake about Mrs. Remington's presence.

Remington tried to buttress his anti-communist posture by praising both the Committee and Miss Bentley. Perhaps partly sincere, it seemed also designed to disarm his interrogators through ingratiation and identification with their cause. Samples of such praise are as follows:

. . . I am greatly sympathetic with the objectives of this committee. I believe the committee is fair. . . I am for you. I want to help every way I can. . . I think you are doing a great job, and a necessary job.²⁵

He called Bentley "a sincere woman . . . a person of great integrity" for whom he had "great respect." He added, "I have great admiration for what she is doing. I think she is on the right track."²⁶

In his praise of the Committee for "the way in which it was conducting"²⁷ its investigation, he even went so far as to state that if he had been in their "shoes," he might have been "a little less fair than"²⁸ they had been.

Remington's efforts to "win over" the Committee ideologically failed, as was obvious by the increasingly hostile tone of the hearing. Senator Ives summarily dismissed the sincerity of Remington's anti-communism, snidely characterizing it as a "sudden campaign against communism."²⁹

The Committee did question Remington at length about his ideological past. His response was that, with some qualifications, he had been anti-communist for the previous ten years.³⁰ He qualified this somewhat by tracing the "ebbs and flows" of his tolerance of communism. He stated that in college he "tolerated it," and that he had communist friends whom he saw "a great deal and worked with on many things."³¹ He repeated once again that during the war he "was perfectly willing to see communists , . . . [and] . . . to feel free to talk with them."³² He asserted, however, that from the time he finished college in 1939, he "wasn't tolerating" communists and that he was "actively opposing them" on such things as the Russian invasion of Finland. Starting in "the latter part of 1945," he contended, he began "to fear and be worried about communism, including American communists." By 1946 and

1947, he claimed, he "began to hate Communism and not just fear it."

Based on the body of testimony he and other witnesses ultimately gave on this subject, it appears that Remington "shaded" the truth here. Several college classmates were to come forth, some even unsolicited, to testify that Remington was, for a time at least, vocally pro-communist. Remington himself later admitted at his second trial that during part of this time he "told people" that he "considered himself, in one way or another, a communist."³³ While having pro-communist beliefs during one's college career is certainly innocuous enough, Remington's failure to be completely forthright about them at the Senate hearing was to be a serious misjudgment on his part.

Clearly Remington miscalculated the spirit of the time. He underestimated the investigative zeal of the government's anti-communist apparatus, and misjudged the general suspicions of the public. It was a time when people would not easily forgive or forget a communist flirtation. It was also a time when people tended to confuse and sometimes equate communist beliefs with party membership. Perhaps most serious of all was the damage such testimony did to his credibility. His was a case that would be based essentially on the issue of his integrity and credibility. Considering the suspicious circumstances

of his Bentley meetings, as well as the plethora of alleged misunderstandings, his credibility was already "stretched" as it was. To have attempted an apparent cover-up of previous pro-communist (albeit harmless) beliefs was thus a major blunder. On the other hand, Remington seemed to be in a no-win situation. Freely admitting such an ideological past might also have hurt his case since it was the kind of background expected of a spy.

In any case, the strategy backfired. The FBI ultimately questioned the majority of Remington's college acquaintances to glean any remotely political comment, action, or association from his undergraduate years. They would manage to find several who were willing to contradict Remington's anti-communist portrayal of himself. One of them, Robbins W. Barstow, would come forth immediately to appear before the Ferguson Committee. It is perhaps appropriate here to examine Barstow's testimony contradicting Remington.

Barstow testified that Remington had been "openly and admittedly a communist"³⁴ at Dartmouth. He said that this was "accepted" and "taken for granted" by everyone: students and professors alike. What had moved him to contact the Committee, according to an unsolicited letter to Senator Thye, was his distress about Remington's "reported denials of having been a communist," which he knew "to be at variance with the truth."³⁵ Barstow told the

committee of spending a number of evenings in Remington's room during 1938, the year he was a freshman and Remington a junior. There they discussed "communism and other matters."³⁶ After one particular session, the obviously impressionable Barstow became "so interested" in the "new ideas" he had been exposed to that he wrote notes on what had been discussed. He had amazingly kept the notes for ten years. Perhaps even more incredible was the Committee's willingness to give serious consideration to these college freshman notes from an undergraduate "bull session" held ten years previously. The following is Barstow's recollection of what Remington had said during their meetings:

. . . he presented the ideas of communism and told me why he believed in communism and he told me that he was working particularly as a CIO organizer at the time to advance the welfare of workers as his immediate contribution to communism.

I remember questioning him about Russia, and he said that he felt that Russia had demonstrated the success of communism and I asked him about the trials and executions which had recently been held in Russia, and he maintained vigorously and convincingly that the men who were scuttled really were traitors who had been planted in there by the enemies of communism, and that it was a good thing that they were rooted out, and the only thing you could do was to kill them.³⁷

Murray Kempton's appraisal of Barstow's evidence in his book Part of Our Time, seems to have it perhaps in proper perspective. He felt that while there was "no reason to doubt their [the notes] accuracy,"³⁸ that their content was innocuous and unexceptional:

. . . a number of college juniors talked about communism to freshmen that way in 1938; it was not so much more unfashionable at the time as a vantage point for preachers of superior wisdom than T. S. Eliot is today....³⁹

Barstow showed a remarkable degree of uncharitableness in refusing to allow that Remington might have changed his views about communism since 1938. He discounted the possibility because, as he put it, he did not recall "any expressed change in his viewpoint with regard to communism or his own activities."⁴⁰ He also added that he doubted ". . . if, once convinced, he [Remington] would change his mind, strong and keen as it is."⁴¹ Interestingly, the mercurial Barstow later regretted coming forward to testify against Remington, confessing to friends that "if he had thought the matter out," or had given it "appropriate consideration, he would never have testified . . . [or] . . . furnished them with his notebook." He attributed his red-baiting to what he called his "naiveté."⁴² In his rebuttal of Barstow, Remington dismissed his college views as "doctrinal utopian philosophy and things of . . . [the] . . . sort which college students talk about all hours of the night," and he characterized his appraisal of the "Moscow trials" as a "guess."⁴³

For Committee counsel Rogers, however, Barstow's testimony was all the stimulus needed for him to declare his "verdict" on Remington's credibility:

. . . I will tell you frankly, and this is not the Committee's judgment, but I do not think that you ever have been frank with us. . . . You could have been very helpful to the Government if you wanted to be, and I do not think that you have been. I think that you are a very clever fellow, and I think that you succeeded in giving the impression that you are being forthright and honest when you are not at all. It is a clever device on your part to disguise the true facts. . . . I do not believe you.⁴⁴

The hostility of the Committee prior to Rogers' speech had been indirect coming across in insinuations and prejudicial distortions of Remington's testimony. Senator Ferguson, for example, had asked accusingly if the information Remington had access to at the War Production Board, was "not just the information an enemy would want?"⁴⁵ Another insinuating "slip of the tongue," this time by Senator O'Connor, distorted Remington's earlier testimony. O'Connor asked Remington whether he had ever informed his superiors that he had been "imparting data from confidential sources"⁴⁶ to Bentley. This, of course, clearly disregarded Remington's adamant denial that he had ever given such data.

The same insinuation is repeated shortly afterward by Senator Albert W. Hawke, when he asked essentially the same question: whether his superiors had been aware that he talked with Bentley and Golos "about things . . . [you] . . . should not have been talking with them about."⁴⁷ When Remington contradicted the above characterization, Senator Hawke's response revealed that his query was judgmental

rather than inadvertent. He said: "That might be a matter of judgment."⁴⁸ This implication of judgment about the Remington-Bentley information certainly ran counter to the Committee's earlier pledge to be non-judgmental.

Committee counsel Rogers got into the "distortion act" when he broadened Remington's earlier description of the circumstances of the Bentley meetings as "unusual" and "preposterous"⁴⁹ to cover his entire story. Rogers referred to his testimony generally as "the story . . . you [Remington] . . . now admit looks preposterous."⁵⁰

With Senator Thye's questioning the hostility shifted from indirection to open attack. After Remington countered his effort to twist his earlier testimony into an admission that he had known Golos was a communist, Thye exploded into a tirade about his lack of integrity as a witness:

. . . Mr. Chairman, this is just a constant revolving of the same questions, and the denial and a restatement of the questions, one after another, and it just seems like a waste of time to further question this witness, because he just turns these thoughts around to suit his own convenience. . . . You [Remington] are changing the record so many times that that is what led me to ask the question again, in order to see whether I would get the same answer that you had given to the record heretofore, and that you had given to us right here as a witness this day.⁵¹

Thye closed his speech with the highly insinuating comment that Remington had had "every opportunity to come clean, so to speak."⁵²

It was suggestive incriminations like the ones

above which eventually drove Remington to a counterattack of the Committee. The central thrust of his attack was his cogent criticism of the Committee for its lack of evidence beyond the unsupported word of an ex-spy. He expressed the hope that the Committee, or some other investigative body, had some of the items he had given Bentley, enabling him to prove them to be unclassified.

Regardless of the plausibility of expecting such information to be extant, Remington nonetheless got mileage from the issue by using it to put on the public record his complaint about the lack of evidence corroborating Bentley's story. He said to them:

I simply cannot believe that this Committee has pulled me in here and exposed me to public ridicule and done its utmost to destroy my personal and professional reputation on the unsupported word of a single individual.⁵³

To underscore his point he repeated twice, just before the end of his testimony, that he was "certain" that Bentley had collected data to "prove her case against" himself and the other accused. If such was not the case, he reiterated to the Committee, he found it "hard to explain what . . . [had] . . . been done to" him if they had "just the testimony of one person against another."⁵⁴ He, furthermore, lamented that his "professional reputation . . . [had] . . . been dragged from here . . . [the hearings] . . . into the middle of Hell."⁵⁵

NOTES - CHAPTER 10

1. Export and Loyalty Hearings, p. 69.
2. Ibid., p. 89.
3. Ibid., p. 90.
4. Ibid., p. 94.
5. Ibid.
6. Ibid., p. 109.
7. Ibid.
8. Ibid., p. 202.
9. Ibid., p. 210.
10. Ibid., p. 236.
11. Ibid., p. 221.
12. Ibid.
13. Ibid., p. 234.
14. Ibid., p. 236.
15. Ibid., p. 210.
16. Ibid.
17. Ibid., p. 242.
18. Ibid., p. 238.
19. Ibid., p. 239.
20. Ibid., p. 251.
21. Ibid., p. 1872.
22. Ibid., p. 204.
23. Ibid., p. 205.
24. Ibid., p. 210.
25. Ibid., p. 109.

26. Ibid., p. 110.
27. Ibid., p. 234.
28. Ibid., p. 235.
29. Ibid., p. 246.
30. Ibid., p. 241.
31. Ibid., p. 232.
32. Ibid.
33. United States v. Remington, 208 F. 2d 716 (N. Y. 1953).
34. Eighty-First Congress, Second Session, House of Representatives, Committee on Un-American Activities, Hearings Regarding Communist Espionage in the United States Government, Part I, p. 1897 (hereinafter cited as Remington Hearings).
35. Ibid., p. 1903.
36. Ibid., p. 1895.
37. Ibid., pp. 1895-1896.
38. Murray Kempton, Part of Our Times (New York: Simon and Schuster, 1955), p. 225.
39. Ibid.
40. Remington Hearings, p. 1902.
41. Ibid., p. 1903.
42. FBI, Remington Memorandum, April 17, 1949.
43. Remington Hearings, p. 1912.
44. Ibid., p. 1909.
45. Export and Loyalty Hearings, p. 193.
46. Ibid., p. 180.
47. Ibid., p. 194.
48. Ibid.

49. Ibid., p. 190.
50. Ibid., pp. 201 and 203.
51. Ibid., p. 213.
52. Ibid.
53. Ibid., p. 202.
54. Ibid., p. 263.
55. Ibid., p. 261.

CHAPTER 11

HUAC AND REMINGTON

On the same day Remington was making his first public testimony before the Senate Committee, Bentley appeared at a House Un-American Activities Committee hearing on espionage. Since the Ferguson Committee was concentrating its attention on Remington, it had been agreed upon that the House Committee would avoid discussing his case until after the Senate completed its interrogation. The obvious goal of this arrangement was to avoid conflicts or duplications that might occur with concurrent investigations.

While this seemed a reasonable move to most members of the Committee, Representative John E. Rankin of Mississippi saw it as an attempt to "whitewash" Remington, and he fought vigorously for the right to "deal" with him immediately. One reason cited for not waiting was his feeling that the Senate was a "latecomer" to the anti-communist issue and therefore was not deserving of any kind of "precedence" in dealing with it. He said:

I am not willing at this time to abdicate our prerogatives and pass them on to a committee that has waited all these years and let the Dies Committee and this Committee on Un-American Activities do the investigating. I think this man Remington should be

investigated now, and I want to see it done.²

The chairman of HUAC, J. Parnell Thomas of New Jersey, voiced some support for Rankin's position, though he cited a different reason. He was quite concerned lest he appear to be "covering up" since Remington was from his congressional district. Thomas stated:

. . . there is one very special reason why I agree with Mr. Rankin. Mr. Remington lived in my congressional district, and I don't want anybody to think that for one moment we are not taking up Mr. Remington because he lives in the town next to mine. In fact, if I had my way, we would start off with Mr. Remington.³

While the majority of the Committee prevailed upon Rankin and Thomas to postpone their inquiry, Rankin was not to be put off so easily. Shortly after the hearing started, he accused the committee of attempting to "block" a Remington investigation.⁴

Thomas countered the charge, and in rebuffing Rankin he once again betrayed a concern about appearing to espouse a cover-up: "The only thing that is embarrassing to me is that Remington comes from my district." Rankin recognized this as an ideal opportunity to goad Thomas back toward his position. Rankin's interjection, "I was afraid of that,"⁵ brought on the following altercation:

The Chairman. Then we will bring out the Remington testimony and bring it out here, because we are not going to have a charge against me about covering it up.

Mr. Rankin. Then I will bring out the Remington testimony.

Mr. McDowell. I object; and I believe the majority of the members object, in deference to a Senate Committee.

The Chairman. I do not want Mr. Rankin or anybody else to make any kind of remark or intimate that the reason we are not bringing out Remington is that because he comes from my congressional district we are covering him up.⁶

After some reassurances by other committee members that Thomas' ideological integrity was intact, it was reaffirmed that Remington's case would be postponed. Rankin, however, was still so agitated over his "defeat" that he proposed an adjournment and then levelled some devastating insinuations against Remington:

. . . if I am going to be dictated to as to what questions I shall ask about these Communists who are here trying to undermine the Government, I submit the Committee might as well adjourn.⁷

Rankin's outright pillorying of Remington as one of the "Communists . . . trying to undermine the Government" was a most irresponsible prejudgment. He was not satisfied with this, however, as he proceeded to take several other opportunities to hold Remington up to public ridicule. In two instances he resorted to snide and spiteful interjections. The first came in response to a statement by Representative Hebert that he could not conceive of anyone with Bentley's educational background not knowing right from wrong. To this Rankin retorted: "Not even Remington."⁸ The comment reportedly brought a significant amount of laughter at Remington's expense.

The second instance, which follows, came after the assertion that Bentley's story had been known two years earlier. It also produced noticeable laughter:

Mr. Mundt. It is . . . quite apparent that we need a new Attorney General.

Mr. Rankin. Does that apply to Remington, too?
[Laughter]⁹

In a frantic attempt to control Rankin, Thomas tried to reassure him that the committee's basic goals were unchanged and that he would not suppress references to the Remington case.

The Chairman. You know, Mr. Rankin, well down deep in your heart that this Committee is not going to whitewash anybody or anything, and you also know that this Committee has done a very big job--a very big job--and especially a big job in the last two years. We have been unearthing your New Dealers for two years, and for eight years before that.¹⁰

At this point, Rankin became virtually incoherent:

Mr. Rankin. I know the Senate is busy now nagging the white people of the South and all the FEPC, and all this communistic bunk.¹¹

Herbert Packer cites these statements as proof that there was "much more at stake in these hearings than testing the validity of Miss Bentley's story," and that the Committee was interested in what she had to say "at least as much because of its relevance to their own political concerns as for any other reason."¹²

In her appearance before HUAC, Bentley again showed her inclination to be an agreeable, even malleable witness. This is particularly evident in her responses to

questions about Communism, when she appeared ready to confirm almost anything the Committee said on the subject:

Mr. Rankin. . . . You learned that the Communist Party was plotting the overthrow of this Government?

Miss Bentley. I would say that was correct; yes.

Mr. Rankin. . . . Now, you know also that it was dedicated to the destruction of what they called the capitalistic system--that is the right to our private property?

Miss Bentley. That would be correct, yes.

Mr. Rankin. You learned that in Russia they have taken over the land and that private enterprise has been reduced and that the people of Russia have been reduced to the status of slaves. You found that out before you quit them; is that true?

Miss Bentley. I do not know that I exactly found it out; but judging by the Russians with whom I dealt, it would be extremely plausible.

Mr. Rankin. You know it now, do you not?

Miss Bentley. I certainly do.

Mr. Rankin. You know now that every Russian farmer is a slave of some commissar?

Miss Bentley. That is right.

Mr. Rankin. He is told where he shall live, what kind of work he shall do, and whether or not he shall move. That is correct is it not?

Miss Bentley. Yes.¹³

The hearings reached a low point of carelessness of articulation and accusation in Parnell Thomas' muddled speech explaining his "guilty verdict" for those named by Bentley, including Remington, the man the Committee had agreed not to discuss.

The Chairman. . . . Not only Remington, but all these

other names that were mentioned are such that it is a question of association. You will find that these people were not only associating, but they were associating with others that we have had mentioned-- that this Committee has mentioned from time to time; and before we get through we will find that these others, and these people, are all in the same category. They have all been active in espionage; and some of them about whom we are going to have the public hearings were active unknowingly, we will say, or innocent, but they have been active and they have been guilty of association.¹⁴

The speech is also noteworthy for its apparent "invention" of a crime--that of "association." More significant, however, is the fact that such an indiscriminately smearing statement as "they have all been active in espionage" went a long way toward depriving Bentley's accusees of their basic rights to a presumption of innocence. For men facing possible criminal proceedings to be so openly incriminated without having a chance to counter their accusers was a gross abuse of their civil rights, particularly those pertaining to a fair trial. Despite such abuse, not one Committee member attempted to countermand or even qualify Thomas' comments.

Both Congressional hearings were thus highly prejudicial to Remington. While the Ferguson Committee attacked Remington's character and credibility, the House Un-American Activities Committee more than matched them with their irresponsible attack of him in absentia.

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1. Remington Hearings, p. 534.
2. Ibid., p. 535.
3. Ibid., p. 534.
4. Ibid., p. 544.
5. Ibid.
6. Ibid.
7. Ibid., p. 549.
8. Ibid., p. 551.
9. Ibid., p. 556.
10. Ibid., p. 548.
11. Ibid.
12. Packer, Ex Communist Witnesses, pp. 64-65.
13. Remington Hearings, pp. 543-544.
14. Ibid., p. 545.

CHAPTER 12

THE POLITICAL MOOD OF 1948

After Remington's testimony the Ferguson Committee reached an impasse in its clash over information with the government's Loyalty Program. According to the President's Executive Order on Loyalty, "reports, records, and files relative to the . . . [loyalty] . . . program" were to be preserved "in strict confidence." The official reasons given for such confidentiality were the concerns for "the protection of government personnel against the dissemination of unfounded or disproved allegations" and for the insurance of a "fair and just disposition of loyalty cases."¹ Under the President's Order, therefore, the Senate Committee was prevented from seeing Remington's Commerce Department files. Subsequent witnesses, furthermore, strictly adhered to the requirements of the Order. The Senate Committee thus suspended its public hearings on August 6th, citing their lack of access to information.

When the President's directive managed to stifle some of the "political" furor over his internal security record, his Congressional opponents took to the press to

vent their protests. During the period between the suspension of the Senate hearings and the November elections, bitter political debate broke out between the Truman Administration and its congressional critics over the issue of Communists in government.

The basic arguments of the critics included the following: that there was "laxity in government security"² which the recent Congressional hearings had helped expose to the public; that the actions of the accused were inimical to the national welfare and required exposure, both to alert the public and to lead the way to measures to correct weaknesses in the laws; that the President had "stretched his legal prerogatives"³ by denying Congress information necessary for its guidance in enacting laws; and that the loyalty program, at least in Remington's case, had proved deficient in its failure to prevent a suspected individual from holding a sensitive government position.⁴

The Truman Administration responded to such criticisms by emphasizing the following points: that the information relative to the loyalty program needed to remain confidential lest it be used by unfriendly nations;⁵ that the Congressional investigations were undermining the Justice Department's loyalty efforts to "get at the roots of the situation" and obtain "sound bases for prosecution;"⁶ that the democratic safeguards of the loyalty program, such as the provision for self-defense at

a fair hearing, were being compromised by the kind of loose charges often heard at Congressional hearings;⁷ and that the information presented at the hearings had not only been known to the FBI and the Justice Department long before, but had also failed to result in any grand jury indictments.⁸ The Truman Administration also contended that its loyalty program was efficient, as evidenced by the fact that the only two Government employees subject to Congressional inquiries had been on indefinite leave before the Senate hearings had started.⁹ It attacked the hearings further by describing them as a combination of "perverted patriotism," and "a political red herring,"¹⁰ designed "to detract public attention from the snubbing of the President's program to control inflation."¹¹

The debate eventually deteriorated into a "shouting match," with the Republicans exploiting the "Communists in government" issue to its fullest, and the Democrats, led by Truman, trying to meet the attack head-on.¹²

On the day following the close of the Senate hearings, Senator Ferguson delivered a strong political attack, suggesting the impeachment of the President if he continued to withhold Remington's employment files. He charged "Truman and his executive agencies" with trying to "hide their mistakes," and he called for a Congressional "showdown" with the President because his arrogance was

becoming "intolerable."¹³ Using a metaphor rife with double-entendre and innuendo, Ferguson asserted that unless the President was kept "in bounds in his attempt to put an 'iron curtain' between Congress and the public business . . . constitutional and representative government . . . [would be] . . . transformed . . . into a centralized, executive dictatorship." Ferguson argued that the issues of "government secrecy and the accumulation of increasing Presidential powers"¹⁴ were even more serious threats than the issue of Communists-in-government.

To add greater political scope to his diatribe, he traced the policy of Executive Department censorship "and restrictions on information" to the "early New Deal days," citing the "devious course taken by Roosevelt to carry out foreign policy objectives," and the hiring of "40,000 Government public officials to throw up a 'labyrinth' of secrecy surrounding government operations."¹⁵

Other attacks on the administration were equally vituperative. W. Kingsland Macy, the Republican leader of Suffolk County, called Truman's "red herring" criticism "treasonable in spirit and effect" and argued that it gave "aid and comfort to the potential enemies of the United States."¹⁶

Charles A. Halleck of Indiana, the Republican House leader, saw the issue between the "Republican Congress and President Truman" as one of "Republicanism

against radicalism."¹⁷ He elaborated on his "radical" charge by asserting rather hysterically that the Truman Administration harbored "so many who . . . [saw] . . . in the Russian way of doing things a better system than our own, that they could not be expected to follow a consistent or firm position in dealing with Communism at home or abroad."¹⁸ He described the Democratic Administration as having "an alien philosophy of government" and as "swarming with Communists, pinkos, left-wingers, and radical New Dealers."¹⁹ Truman was accused by Halleck of "calling the signals for 45,000 propagandists on the Federal payroll" who were part of a "gigantic thought control political machine" which was actively at work "to garble, twist and belittle the actions of the people's Congress."²⁰

Halleck compared the influx of "Communist spy rings" during the Truman Administration to "water going through a sieve."²¹ Senator J. Strom Thurmond, a candidate for the Presidency, added to the "extremism" contending that Communists and Communist sympathizers had "honeycombed the Administration and . . . dictated its policies."²²

Perhaps the most absurd of the Republican "loyalty" attacks was Hugh D. Scott, Jr.'s attribution of Truman's "indifference to Communist penetration at home"²³ to a 1944 Daily Worker endorsement of him for Vice-President. Scott pointed out that the endorsement had been "cordially" signed by Eugene Dennis, whose recent

citation for contempt of the House of Representatives was noted. Another item the Republicans managed to unearth was a letter, signed by Truman "on Senate stationery," expressing thanks for a copy of an article from the Daily Worker. It is perhaps hard to imagine guilt by association reaching a more desperate or attenuated point than this.

The Democratic counterattack was led vigorously by the "ordinarily peppy" President Truman, who according to Walter Goodman, had "never been peppier."²⁴ Truman repeated his characterization of the Congressional hearings as a "red herring," adding that it was "one of the strongest types you can smell."²⁵ He countered the accusations about being soft on Communism with the assertion that his anti-Communist efforts "both at home and abroad" had so frightened American Communists that they "had lined up solidly to help put a Republican in the White House." He labeled the hearings in general as nothing but "publicity-seeking and electioneering," and singled out HUAC for its "press agent stunts and its reckless disregard for the Bill of Rights."²⁶

Interestingly, Truman, like Remington and Bentley, also cited the wartime alliance with Russia as a "loyalty" factor to be considered. Indeed, he elaborated on the point by arguing that "spies during World War II had been German and Japanese, and not Communists," and that he had

"never heard anything about a search for those actual enemy spies."27

Earl Latham is an historian, however, who looks favorably on what he calls the "prescriptive publicity"28 of such Congressional committees. In arguing for this device of "punishment by publicity," he traces its need back to 1935, when the Communist Party adopted its so-called "Popular Front" strategy. This political maneuver by the Communists resulted in their support of causes "that were auxiliary to the unyielding goals of overthrow and subversion."29 It therefore caused a blurring of "the line between revolutionary ambition and mere non-conformity."30 As a consequence, according to Latham, "the conventional and customary procedures of outlawry by legislation" seemed ineffective instruments for controlling influences and activities which were "of subversive intent but without immediate physical consequence," i.e. communist fronts and "subversive elements in trade unions and schools."31

Faced with this "novel" problem, he argues, the Congressional committees, like HUAC, took the initiative. They instituted "a new form of outlawry": "prescriptive publicity," which "stopped short of enactment," but which was meant to be a "form of public notice intended to instruct and deter."32 Its sanction was "social disapproval and whatever personal consequence (like loss of employment)

that might follow public exposure."³³

Senator Ferguson's views on the ideal loyalty program rationalized the same kind of purposes Latham attributed to the Congressional hearings:

The loyalty program I'm sure was not set up to provide for the dismissal only of persons in government service who had been convicted in a court of the law of espionage or of other acts against the Government. Disloyalty does not necessarily mean a person must be presently guilty of a crime actually under the law. That is not the theory of the loyalty program.

A purpose of the loyalty program, as seen by congress, which appropriated the funds for it, was to expose those who threatened the national security, as well as those who might be convicted of overt acts.³⁴

Neither Latham nor Ferguson discuss the obvious shortcomings of such "publicity as punishment": the inevitable smearing of innocent people, as well as the breakdowns in "due process of law" discussed earlier. They thus both appear to have adopted the rather callous position taken by Chairman Parnell Thomas of HUAC (1948) that such "casualties" were an "unfortunate but inescapable byproduct of a larger good."³⁵

The "tumult and shouting" over the Congressional spy probes occupied "prime" newspaper space throughout September 1948, and, according to New York Times columnist Cabell Philipps, it stunned Washington, leaving it "somewhat agog . . . , uncertain first as to what did and did not happen, and second, as to what it all added up to."³⁶

There is some dispute among historians as to the

impact of the "Communist" issue. Latham, for one, discounts its influence on the 1948 elections, saying:

. . . communism was not a very great issue in the election of 1948. It had a certain amount of verbal salience but lacked deep political impact. It was a make-weight in the scales against the administration but not the heavy balance. It was on the fringes of the contest, not at the center. It was a controversy . . . between the Department of Justice and the House Committee on Un-American Activities. It was not an issue between Truman and Dewey.³⁷

Other historians, however, such as Allen Weinstein, make note of the controversy's significant effect on the populace and the press. Weinstein cites, for example, a Gallup poll in September 1948 which revealed that 80 percent of Americans supported HUAC's espionage inquiry and "felt it should be continued."³⁸ He also points out that President Truman's "red herring" charge conflicted with the public view, with three out of four polled, including 71 percent of the Democrats surveyed, believing that "there was something to these spy investigations, and that it was not 'a case of playing politics.'"

Furthermore, as Weinstein notes, major newspapers which had formerly been strongly critical of the Congressional spy probes, particularly HUAC's, were now more supportive of such efforts. Weinstein cites the editorial agreement among such papers as The Washington Post, The New York Times, and The New York Herald-Tribune, that the "Hiss-Chambers probe had produced significant unanswered questions."³⁹

A September 12 editorial by The New York Times Cabell Philipps illustrates the kind of "guarded" press support suggested above. Temporarily setting aside what he describes as the "moral question of the effect upon the reputation of those wrongly accused", Philipps described the following as the "fruits" of the HUAC and "Ferguson Committee" hearings:

- 1) The nation has been alerted to the problem of internal security more forcibly than in any peacetime period since the early '20's.
- 2) Existing laws leave us vulnerable to penetration by hostile agents.
- 3) On the showing to date, this danger is more political than real.
- 4) Congressional investigative committees can be singularly callous in their handling of witnesses and their accusations.
- 5) Some of the witnesses are surely not telling the truth. ♦

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1. Remington Hearings, p. 288.
2. New York Times, September 12, 1948,
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5. New York Times, August 16, 1948, p. 1.
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9. New York Times, August 20, 1948, p. 1.
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11. New York Times, August 6, 1948, p. 1.
12. Walter Goodman, The Committee (New York:
Farrar, Straus, Giroux, 1964), p. 240.
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28. Latham, Communist Controversy, p. 381.
29. Ibid., p. 381.
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36. Ibid.
37. Latham, Communist Controversy, p. 398.
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A. Knopf, 1978), p. 58.
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Section IV, p. 10.

CHAPTER 13

THE FBI'S FINDINGS

The FBI's "full-field" loyalty investigation of Remington was an inquiry described by them as their "first attempt to uncover all the pertinent facts concerning him that might reflect on his loyalty or subversion."¹ According to the Bureau, there had been "no limit in scope as far as area, jurisdiction, or statutory restrictions were concerned,"² with approximately a hundred people interviewed.

The findings failed to corroborate or directly support Bentley's basic charges that Remington was a Communist Party member who had given her confidential information. Much of the investigation dealt with the period before Remington had even met Bentley. The bulk of what the FBI termed "derogatory" information consisted of impressionistic assessments of his "teenage" character and views. These appraisals covered Remington's life from the ages of 16 to 20 and were made from eleven to fourteen years after the fact. As background to Bentley's charges and his Senate testimony, however, the findings were unfavorable because they were inconsistent with his

portrayal of himself as an anti-communist. If there was any kind of consensus in the interviews, it was the feeling that Remington had a propensity toward "radicalism." Of course, the meaning of that term is so relative to the user that such a characterization can often be meaningless.

Good examples of such political "relativity" are the subjective judgments made concerning his year with the TVA. For some, Remington's involvement in labor union activity was equated with subversion. J. S. Remine, a Deputy Sheriff in Knoxville given the joint assignment of investigating subversive activities and labor disputes, evidently felt these two were virtually synonymous. For example, he felt that Remington's involvement in "organizing the CIO labor union in . . . Knoxville" was proof of his close association with the Communist Party.

Another TVA interviewee, Arvin C. Lunsford, also felt Remington's union activities were evidence that he had "Communist inclinations."

On the other hand, one interviewee described in the FBI report as a confidential informant, claimed to know Remington well, and felt that his labor work connoted "extreme liberalism" and "socialistic views," rather than communist or subversive intentions.

Certain others saw Remington's labor activities in a more idealistic light, though they were no more favorably disposed toward him. J. R. McKissick, an Assistant

Personnel Officer at the TVA, described Remington as having "advanced ideas as to modern day living and ideals," but felt these ideas made him "slightly unbalanced." Jerome Allen, Remington's TVA supervisor, saw him as simply very idealistic.

The incoherent discussion by G. Gordon Reid, another of Remington's TVA supervisors, shows perhaps as well as anything the basic unreliability of this kind of political evidence. He explained that the basis for his judgment that Remington had "evidenced extreme liberalism, if not radicalism" was the:

. . . comparison between his [Remington's] attitude and activities, and the generally accepted practices of well-known and interested participants in the field of organized labor at that time. By way of explanation, I mean that what he expressed himself as favoring, or took activity in behalf of at that time, would not be subject to attention in as great a degree today as was the case in 1936 and 1937.⁷

Adding to the problems of political subjectivity were, once again, the difficulties stemming from the length of time elapsed since the recollections. Despite this time lapse, many interviewees were remarkably affirmative in their recall of details. Remington's landlady in Knoxville, Ruby M. Cox, asserted her certainty that Remington and his two roommates, Merwin Todd and David L. Martin, were either "Communists or Communist sympathizers" on the basis of her recollections of conversations in which Remington appeared sympathetic to the teachings of Lenin

and Marx.

Even more remote were the bases of Sheriff Remine's recollections that Remington and his associates had "closely associated with the Communist Party."⁹ Remine had eavesdropped outside of Remington's room and claimed to overhear him and his friends "discussing Communism in various forms." On one occasion, he claimed to recall hearing an unknown speaker state that the Communist Party was "the coming party of the country."¹⁰ He acknowledged, however, that due to the length of time elapsed, he could "not recall the exact words that were said."¹¹

It turned out to be an accurate general perception, however, that Remington was in a group "interested in labor organization, and that a number of his associates were Communist Party members during or after the time he was in Tennessee. A number of these friends or acquaintances interviewed, such as Henry Hart, Mabel Abercrombie, Christine Ebersole Benson, Mrs. Muriel Williams, and David L. Martin, admitted joining the Knoxville Communist Party unit. They claimed, however, that they joined after Remington left, and that they knew nothing about whether he had had any communist involvement."¹²

Interviews with Remington's former Dartmouth professors and classmates produced judgments that were slightly more moderate and politically sophisticated,

though the "radical" theme was in evidence here too.

L. K. Neidlinger, Dean of the College, remembered Remington as being "extremely radical"¹³ while at college. In elaborating on this characterization, he described him as "most outspoken in his views" and strongly "anti-Fascist." He also cited several rather dramatic incidents to support his point. The first occurred just after Remington's year in Tennessee, when his mother visited his office to complain about her son's "radicalism" and to express her feelings that he needed "special guidance"¹⁴ in this area.

The second incident suggested that the issue had become somewhat of a family scandal. Remington requested, in this instance, that the Dean respond to a letter from his uncle upbraiding him for his "social thinking" and criticizing Dartmouth for "countenancing such thoughts."¹⁵

Several other faculty members echoed Neidlinger's views about Remington. Stearns Morse, an English Professor and Dean of Freshmen, said Remington had "unquestionably" been a radical in college, and he called him an "intellectual Marxist."¹⁶ Another faculty member, whose identity remained confidential, described Remington as "left of center" in his political thinking. He elaborated on this by explaining, as the FBI phrased it, that Remington:

. . . was an individual who associated with the type of people who were active in groups such as the

American League Against War and Fascism, the American Peace Mobilization, and the American Student Union, which organizations the informant characterized as 'seeming to follow the Communist Party line'.¹⁷

For the most part, however, the Dartmouth faculty strongly qualified their judgments in one way or another. Neidlinger, for example, maintained that Remington was "not as active"¹⁸ in his senior year, and cautioned, as did others, against placing too much weight on undergraduate political proclivities. He said:

Nothing could be more foolish or unfair than to condemn a man's loyalty on the basis of evidence that during his undergraduate years he belonged to a radical organization.¹⁹

Allen H. MacDonald, a Professor of English, made the same point stating that nothing Remington did as a member of any college organization "should in any way count against him."²⁰ Indeed, he made a pitch for what he called the "active liberal" life for an undergraduate, and acknowledged that he himself had supported liberal activities among his students under the assumption:

. . . that if the average Dartmouth undergraduate does not have enough social responsibility to be an active liberal while in college, he will be so hopelessly conservative in later life that he can in no way contribute to the solution . . . [of social problems] ²¹

Professor Morse qualified his characterization of Remington as an "intellectual Marxist" by asserting that he could not conceive of him, with his other qualities, being disloyal or adhering to an "un-American doctrine."²² The

qualities he was referring to were Remington's "fundamental intellectual honesty," his "high intelligence," his "objectivity," and his "lack of fanaticism."²³

One of the remarkable things about the Dartmouth interviews, however, is how critical they often are, despite the fact that so much time had elapsed. An example of this "meanness" is Professor MacDonald's comment that if he did have doubts about Remington's loyalty, which he did not:

. . . . he would resolve them in favor of Remington being loyal simply because he feels that . . . (Remington) . . . is so selfish about his own career that he would not wreck it by taking any chances on the question of loyalty.²⁴

Russell R. Larmon, a Professor of Administration at Dartmouth, also volunteered a number of negative comments about Remington, even though he could not recall the latter's activities beyond saying that he "was active, as so many other frustrated undergraduates . . . [were] . . . in trying to prove that he was intellectual by trying to prove he was 'Liberal.'"²⁵ Larmon described Remington most uncharitably as having been "intellectually arrogant and socially frustrated" as an undergraduate, adding further that he had "poor judgment," and that, though his mind "gave him one of the elements of greatness," his "arrogance and frustration provided him with the ingredients for becoming disloyal."²⁶

Of the Dartmouth students interviewed, only three

had anything noteworthy or relevant to say about Remington's "radicalism."

One was William C. Chamberlin, who was later a fellow student at Columbia (where they both were graduate students in economics). During the period spanning 1934-1940, Chamberlin had intermittent contact with Remington, but admitted never being "intimately acquainted with him."²⁷ He told the FBI that he had gained the impression that Remington was "leftist" in his views, but that he could only recall two conversations to "substantiate" that impression. One had occurred during the first few weeks of their freshman year at Dartmouth in 1936 and was part of a discussion on the topic of war. According to Chamberlin, Remington took the position:

. . . that war was absolutely wrong and under no circumstances would he bear arms. Later in the same conversation, however, he stated that he would be willing to fight for Russia if she went to war. When asked about the apparent conflict in these statements he said that, while probably his first impulse would be to aid Russia when she engaged in war, on second thought he would probably not fight, even to help her.²⁸

The other discussion that Chamberlin recalled was one that was held in 1940 while the two were at Columbia. According to Chamberlin, the talk dealt with the Russo-Finnish war, with Remington maintaining that the fault for the war "did not lie with the Russians, and that the Russians should not be censured for it."²⁹ It is interesting to point out here that a witness will later

testify at Remington's first trial that he took the opposite, pro-Finnish position with them.³⁰

Another Dartmouth student, Robb B. Kelley, recalled a conversation with Remington in which he had asked the latter why he was a "Communist."³¹ He recalled Remington responding to the question with the flippant comment that he was a communist because his father had "always been a stooge of capitalism."³²

The other information Kelley volunteered as possibly helpful to the FBI was his recollection that he had seen Remington at meetings of a "study group" that discussed Marxism and Russia.³³ The group, which he said advertised in the Daily Dartmouth, had been recommended to him by his political science professor. Kelley recalled that at these meetings, Remington either "led the discussion or took a very prominent part" in them.

The commentary by the third Dartmouth student, John Parke, is noteworthy because it shows the kind of ambivalence some must have felt about discussing a friend's past political beliefs.

Unlike Kelley and Chamberlin, Parke considered himself Remington's friend, and, indeed, he had been the "best man" at Remington's wedding. His discussion of Remington was, on the whole, a favorable one, and what was "derogatory" was so qualified and balanced with praise that it seemed to cancel out any unfavorable impressions. The

negative aspect of his statement was his recollection that it had been "common knowledge" among their Dartmouth "circle" that Remington was a member of the Young Communist League.³⁴ He added, in talking about this group of friends, that other members of it "were also affiliated with the Communists," and that it was a "radical group."³⁵

However, he pointed out that he had noticed a marked change in Remington's attitude and behavior during his senior year:

. . . it was evident to me, to his friends, and to his instructors with whom I talked, that Remington was abandoning many of his radical beliefs and was tempering his social idealism with a more humane and tolerant approach, and a liberal political philosophy.
. . . 36

Furthermore, he praised Remington's character, saying that though he had lost contact with him, he had a strong presumption that he was a "loyal" citizen and public servant based on his "common sense," his "humanitarian vision," and the above-mentioned change of views as a senior. Parke said at the end of his statement:

I never knew anyone who seemed so obviously destined and committed, by ability and temperament, for a career of loyal and distinguished public service.³⁷

As for the significance of Remington's "undergraduate radicalism," Parke echoed those faculty members who had downplayed its ultimate importance as a "loyalty gauge." He called it "a necessary passing phase," whose:

. . . extremism can hardly be regarded as disloyalty

or even a prediction of disloyalty in people so young and so adventurous in spirit and so sheltered from economic and political realities.³⁸

Subsequent to his interview, Parke wrote a letter to Remington relating what he had told the FBI. His letter is a poignant one, filled with misgivings and internal conflicts about the episode.

Parke wrote that his "ancient fabulous troubled conscience" had been "raising hell" with him, and that one of the things that was most rankling to him was why he had not "kept quiet" about Remington's YCL membership since he felt so strongly that such a thing had "little if any value in relation to"³⁹ his present loyalty. His rationale for discussing it was complex. For one, he assumed that the FBI had evidence or suspicions from another source or else they would not have looked up his college friends. He reasoned therefore, that if they did have other evidence that he was "still a Communist," then he was glad he had contributed to "smoking him out." Finally, he rationalized, if they had no other evidence, especially if he "left the Party some time ago," then his testimony "proves nothing, and if properly qualified, can hardly be used against"⁴⁰ him.

On the other hand, Parke bemoaned the risk factors in giving such testimony: the uncertainty about who would get hold of the information, and how it would be used. As he expressed it:

If you're not a Red and what I've said is used to discredit and dislodge you, I'm needlessly ruining your career and I shall be eternally agonized and ashamed. +1

Parke's conflicts and doubts are evident in the following excerpts from his letter:

What a chance to take! What a conflict of loyalties! . . . I'm sorry I did it; I'd have been almost equally sorry if I hadn't done it. I was working in the dark and I may have made a colossal blunder. The stakes are high either way. . . . you won't believe how dreadfully I feel about it. . . . I did what I thought right, according to one standard; by the other standard I may have committed the unforgivable sin. . . . I'd like to feel I could still call myself your friend . . . But I've little hope. +2

Remington responded in his own impassioned letter with a year-by-year review of his undergraduate ideology. In summary, his letter said that: as a senior he was "constantly bickering" with those who were, or were thought to be, YCL members; as a junior he associated with many "leftists," but was closer with the "non-leftists;" and that as a freshman and sophomore he was close to and worked with many leftists, but was not a "card-carrying YCLer or a dyed-in-the-wool fellow traveler." +3

As for labeling his own views, he called himself a utopian, saying that "emotionally and ideologically" he was "close to Christian socialism." +4 He added, however, that there were difficulties attendant upon attempting a definition of liberal political views at that time:

When it comes to opinions I find it hard to define the line between Christian socialism and new-dealism (of the extreme Eleanoresque variety) on the one hand, and Marxism on the other. . . . Where I stood with respect

to the line between them in the 1930's is also vague.⁴⁶

Remington attempted to recreate for Parke the Dartmouth political "scene" (and his place in it) in order to convince him that he had been imprecise in his recollections and too free in his conclusions. He recalled that at Dartmouth there had been:

all kinds of . . . sessions including political and 'other study groups' in which there was a lot of confused and radical talk about all kinds of 'isms,' and much pride in it by the talkers . . . , and there was a mushrooming of all kinds of 'do-good' committees of which I helped several with varying degrees of direct and indirect participation. Practically none of these various and motley activities of the left-of-center groups was treasonable--certainly none of it that I was involved in was treasonable or totalitarian in any respect.⁴⁷

Remington proceeded to suggest to Parke that what he recalled was probably "hearsay," and that by "YCL" he probably meant "casual attendance at somebody's study group."⁴⁷ He maintained that no group he ever visited was "totalitarian or subversive, YCL or otherwise."⁴⁸ He also hastened to point out that attendance at meetings was not equivalent to membership.

Remington's letter so influenced Parke that he officially retracted his contention that Remington had had any affiliation with the Communist Party. Parke wrote to Remington saying he felt he had been a fool and added:

God, who'll dare go into public service now? And how will young fellows grow up if they can't be radicals in college without forever branding themselves?⁴⁹

An interesting aspect of this episode is Parke's belated realization about the era's ideological "facts of life." His early error, which he tried to correct, was in thinking that by qualifying Remington's "Communist-connection" or isolating it to an earlier time, he could lessen its "stigma." Yet as Richard G. Green, Remington's future libel lawyer, later pointed out, mere assertion of communist affiliation was incriminating due to the political circumstances of the time. As he put it:

This is a day when the people of the world are confronted by an Iron Curtain . . . by Communist leaders who pledge themselves not to resist should Soviet forces invade the United States. It is a day when the President of the United States condemns the leaders of the American Communist Party as traitors, when Communist Party officials are on trial charged with attempting to overthrow the Government of the United States by force and violence, when Communists may not hold government office.⁵⁰

NOTES--CHAPTER 13

1. FBI, Report: "The History of FBI-Remington Investigations," p. 1.
2. Ibid.
3. J. S. Remine, FBI Interview, May 28, 1948.
4. Arvin C. Lunsford, FBI Interview, n. d.
5. Undisclosed Person, FBI Interview, May 29, 1948.
6. J. R. McKissick, FBI Interview, May 29, 1948.
7. G. Gordon Reid, FBI Interview, May 29, 1948.
8. Ruby M. Cox, FBI Interview, May 26, 1948.
9. Remine, FBI Interview, May 28, 1948.
10. Ibid.
11. Ibid.
12. Muriel Williams, Christine Ebersole Benson, Henry Hart, David L. Martin, FBI Interview, May 26, 1948.
13. L. K. Neidlinger, FBI Interview, May 28, 1948.
14. Ibid.
15. Ibid., p. 4.
16. Stearns Morse, FBI Interview, May 26, 1948.
17. Ibid.
18. Neidlinger Interview.
19. Ibid.
20. FBI, Remington Interview Report, May 26, 1948, p. 5.
21. Ibid.
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23. Ibid.
24. Ibid., p. 5.
25. Ibid., p. 6.
26. Ibid.
27. William C. Chamberlin, FBI Interview, May 24, 1948.
28. FBI, Remington Interview Report, p. 21.
29. Ibid.
30. First Trial Summary, January 19, 1951, (afternoon), pp. 2-12.
31. Robb B. Kelley, Signed Statement for FBI, June 17, 1948.
32. Ibid., p. 3.
33. Ibid.
34. John Parke, Signed Statement for FBI, May 28, 1948, p. 2.
35. Ibid.
36. Ibid., p. 3.
37. Ibid.
38. Ibid.
39. Parke to W. Remington, Personal Files of Joseph L. Rauh, Jr., June 1, 1948. (All Letters to W. Remington, correspondence of Rauh, and legal briefs are from the files of Rauh).
40. Ibid.
41. Ibid.
42. Ibid.
43. W. Remington to Parke, June 8, 1948, p. 2.
44. Ibid.
45. Ibid., p. 3.

46. Ibid., pp. 2-3.

47. Ibid., p. 4.

48. Ibid.

49. Parke to W. Remington, August 6, 1948.

50. U.S. v. Remington, 191 F. 2d 8 (1951),
Plaintiff's Memorandum in Opposition to Defendant's Motion
to Dismiss the Complaint for Failure to State a Claim on
Which Relief May be Granted.

CHAPTER 14

THE LOYALTY HEARING

Remington's Loyalty Hearing was scheduled for August 18, 1948, approximately two weeks after the close of his Senate hearings. The loyalty proceedings offered him the opportunity to clear himself officially, although the negative publicity of the Senate and HUAC probes were to leave doubts whatever his loyalty verdict. Certainly such hearings and the political pressure they generated put Remington at a disadvantage as a government employee. The negative statements about his credibility and character made it more difficult for the Loyalty Board to base their decision exclusively, as they were supposed to, on the facts gathered by the FBI investigations.

In loyalty cases the burden of proof was on the accused, and the difficulties of establishing loyalty could be formidable. As New Yorker writer Daniel Lang put it, the task could be "as difficult as proving any other intangible virtue, such as kindness."¹ Furthermore, it was unlike a trial defense where the accused had something specific to refute: the charge of the indictment. In a loyalty case, the only clue concerning the charges against

one were the general questions in an interrogatory sent just before the hearings.

The charges could be open-ended, with the accused acting to a large extent in the dark. He might not know how far back in his past life the probe went, or possibly even who had made the accusations. Faced with such a situation, employees often resorted to defenses of broad and varied scope. Indeed, as Eleanor Bontecou points out:

. . . both the employees and the boards tacitly . . . [proceeded] . . . upon the assumptions that an accusation of disloyalty . . . [could] . . . best be refuted by presenting . . . to the board a complete picture of the person which is inconsistent with the conclusion of communism.²

This meant that "few lines of inquiry"³ were considered irrelevant, resulting in employees presenting to the board accounts:

of their upbringing, education, religious affiliations, vocations, and avocations, and when they . . . [could] . . . [producing] such a cloud of witnesses to swear to their good character that the hearings at times . . . [appeared] . . . to be a reversion to the ancient institution of trial by compurgation.⁴

Remington followed suit, having decided, as he later told Lang, that "his best bet" was to get witnesses and affidavits "to account for all his lifetime."⁵ He worked, according to him, eighteen hours a day lining up witnesses and obtaining sworn statements. He managed to recruit seventeen witnesses to testify and got many affidavits submitted on his behalf.

In his response to the Loyalty Board's interrogatory he dealt primarily with the issue of communist affiliation. In addition to denying party membership, he asserted that he had never attended a party meeting which had been known "to him as such."⁶ He qualified the latter denial by admitting that he may have attended a few meetings for various "causes" which were "Communist inspired," but that he had "never participated in or been a sympathetic listener at any Communist Party meeting or gathering of any kind."⁷

As for his association with Communists, he claimed that since approximately the end of 1944 he had not, to the best of his knowledge, associated with one. He also reported, as he had to the FBI, all his possible or suspected Communist associates prior to that time. At Dartmouth, he admitted that he associated with certain students "who may have been Communists."⁸ During his year of working with the TVA, he maintained that he had been unaware that he was associating with Communists.⁹ He claimed that those who had later admitted or been revealed to be Communists had either joined after he left the area in June 1937, or had simply not made known to him their Communist Party membership. He maintained that "the only significant association" he had ever had with Communists was "in connection with"¹⁰ his mother-in-law, Elizabeth Moos. He told how his mother-in-law's house became a

meeting place for many Communists in the area and that it was here that his wife "fell under the influence of key Communists."¹¹ Remington asserted that association with Communists on periodic weekend visits was "unavoidable," and, as he described it:

. . . he was in a position of having to get along with them [the Communists] on a personal basis even though . . . [he] . . . disagreed with them vigorously in long discussions of many political and economic questions. . . .¹²

As he reiterated a number of times, however, he saw no reason to force a break between his wife and her mother, or between himself and his wife over their affiliations.

The Loyalty Hearing covered three days (August 18, 19, and 27, 1948) and produced nearly three hundred pages of testimony. Its Bentley-Remington coverage, however, hardly went beyond the ground covered by the Ferguson Committee. The new elements probed concerned the material compiled by the FBI during its investigation of Remington's Dartmouth, TVA, and early Washington years, the latter being the time after his graduation from college.

Given obvious weight at the hearing were such matters as: the question of Communist Party membership, which entailed alleged dues payments, attendance at party meetings, and associations with Communists; the Bentley affair, including the circumstances and background of the meetings and the kind of information given; the question of

Remington's access at the War Production Board to secret or confidential data; and his involvement with "Communist front" organizations such as the American Student Union and the Young Communist League.

The Loyalty Board was interested in establishing a pattern of Communist-related involvement in Remington's background, and thus they gave particular focus to his involvement with the so-called "Communist front" groups. As he had told the Civil Service Commission back in 1942, he said he had had an active interest in organizations which subsequently were labeled subversive by the Attorney General, such as: the American Peace Mobilization, the American Student Union and the American Youth Congress. The issues raised by the Loyalty Board were whether he had ever actually been a member of any of these groups; and if so, whether he had ever attempted to cover up such membership. Remington denied again ever having been affiliated with the Young Communist League, and asserted he could not "swear positively" that any of his radical friends belonged to the organization. He attributed any allegation about his involvement with the YCL to a mistaken conclusion about his meetings "with a group of fellow Dartmouth students who informally studied political systems including Marxism."¹³

He admitted attending meetings and working with American Student Union members at Dartmouth, but was unable

to remember whether he had ever been an actual member. Confusing the issue were the facts that he had told the FBI in a March 31, 1942 interview that he had been a member; and that the Dartmouth alumni records listed him as a member of an Executive Committee in his junior year, and as Executive Secretary in his senior year.¹⁴

Remington reacted to the discrepancy between his two statements by saying simply that the "increased distance in years" had made him uncertain on the issue. He disputed the accuracy of the Dartmouth records, asserting the possibility that it may have stemmed from a newspaper story in which he was portrayed as "being the Executive Secretary of something which the ASU was doing," such as involvement in the "Aid to Spain" and "Aid to China" programs.¹⁵ He told the Board, however, that "to avoid debate," he would be willing to assume that he was a member for "the purposes of . . . [the] . . . discussion."¹⁶

Remington made a similar concession about membership in the American Peace Mobilization, following an interrogatory denial of the same.¹⁷ Remington made his allowance after the Board confronted him with his statement in the same 1942 interview that he and his wife had joined the American Peace Mobilization. He described the earlier recollection as simply incorrect. He maintained that his wife had actually joined the organization, which was then called the Emergency Peace Mobilization. He admitted

helping her with such things as mailing lists, addressing envelopes, and telephone calls.¹⁸

He also denied ever belonging to the Washington Bookshop Association or the American Youth Congress. He asserted, however, that his wife had been a member of the former, and had joined the cooperative "solely to get rebates on books purchased."¹⁹ He maintained that neither he nor his wife ever attended any of its meetings or participated in any of its activities.

His involvement with the American Youth Congress, according to Remington, was limited to the compilation of data for the organization while he was a graduate student at Columbia. His research dealt with "employment opportunities for youth, and other subjects, such as apprenticeship and job training."²⁰ He confessed interest in the group's involvement in legislation for a proposed Government-Industry program to develop more opportunities "for . . . [youth] . . . in private industry."²¹ He admitted attending with his wife the Washington gathering of the AYC in February, 1940, at which he said he tripped over Mrs. Roosevelt's feet. He claimed he did not have further contact with the organization, however, because "the isolationist character of the Youth Congress . . . [soon] . . . became apparent," and, the Youth Congress "refused to vote condemnation of Soviet Russia for invading Finland."²²

Remington pleaded ignorance about whether his wife was actually a delegate to the Youth Congress, citing the fact that at that time he had been spending half of his time in New York doing graduate work at Columbia, and thus had "very little knowledge of her activities."²³

His wife's interest and membership in the various Communist front groups made it difficult for Remington to avoid discussing her. He initially showed some reluctance to talk about her, saying that she was a person he did not like to discuss,²⁴ and that he did not "want to say anything against"²⁵ her. Yet, he ended up talking at length and uninhibitedly about her, discussing her character, their relationship, and its progressive deterioration. The picture he paints is a bitter and pathetically confessional one.

He described his wife as "wild," contrary and "mentally unstable " and confided to the Board that she had "had to have mental treatment"²⁶ for over three years. (She had been undergoing psychotherapy.) He maintained that during the course of their marriage she had moved "leftward" in her politics, while he had moved "right."²⁷ He described her views as ranging "all over the spectrum"²⁸ of the left. As he put it: "She believes some things one minute and doesn't believe them the next," with the deciding factor on whether to adopt a position being her contrary nature. Citing her membership in the Washington

Bookshop Association as an example, he said: "If she thinks the Bookshop is under attack, I think she will be a life member the rest of her life. She is not only stubborn, but that is her view at this stage in her life."²⁹

As he had done before with the Senate Committee and the FBI, he traced the break-up of his marriage to the progressively greater political differences between him and his wife.³⁰ According to him there was a constant battle over political issues.³¹ He generally took the side opposed by the Communists, somehow managing to get her to join him. He was usually thus able to keep her, as he put it, "pulled over to the center."³² Without such efforts, he claimed, "she would have gone all the way,"³³ i.e., become a Communist Party member--which he presumed she had not.

He saw his wife's psychoanalysis as the beginning of her turning away from the kind of political equilibrium he had tried to maintain in the relationship. He said:

In her psychoanalysis, she . . . revolted against all kinds of what she calls domination, and she considers that I dominated her outrageously, and not letting her think for herself, and now she is determined in thinking for herself in the opposite way in which I think.³⁴

An example of the kind of "independent thinking" which finally made it "impossible for . . . [their] . . . marriage to continue"³⁵ was her position on Russia. According to Remington, she felt that:

might makes right, that Russia is strong and ruthless, . . . that Russia will win, and if Russia is going to win anyway we should help her to win; let Russia

control the world.³⁶

Remington ended his discussion with the following emotional and dramatic speech:

I will say that I am sorry about everything. I--when I think of my kids I can't talk. I will say if there is any man who has more personal reasons to distrust and fight against Communists I am sorry for them. Because one can only have the reason I have as to the Communists--my intense personal experience. I think perhaps I would like to stop.³⁷

Thus Remington portrayed his marriage as a frustrating and tragically sad one. His highly negative portrait of his wife, however, was not one of his finer moments. The open criticism of her mental health was of questionable decency, and placing so much blame on her political orientation seems irresponsible. It was an exhibition of the kind of poor judgment which a lawyer, had there been one, might possibly have tempered.

Remington capped his defense with a summary of his positions and actions which were contrary to the "Communist line."³⁸ He cited the following six instances, for each of which he was able to obtain corroborating affidavits or testimony: 1) his contribution to Finnish relief during the Russian attack on Finland; 2) his support for material aid to Great Britain a year before Russia entered the war (followed by his advocacy of active intervention "six months before [the] Communists abandoned the isolationist line");³⁹ 3) his efforts in 1945, while with the Harriman Committee on the European Recovery Program, to replace the

Communist-supported Morgenthau Plan with a policy of reviving German industry; 4) his advocacy, three months before the announcement of the Marshall Plan (March and April, 1947) of the "large-scale expenditure of American money in Europe and other areas"⁴⁰ as part of the program to ward off Communist expansion and revolution; 5) his work on the European Recovery Plan to stop Communism; and 6) his leadership, as director of the Department of Commerce's Office of International Trade, in the movement to "cut off all exports to the Eastern Europe countries which were deemed strategically inadvisable in the judgment of the various military, semi-military, political and economic agencies."⁴¹

Remington was later to confess to Dan Lang of the New Yorker that he was much less confident after the hearing about his chances for a loyalty clearance--giving himself no better than "a fifty-fifty chance."⁴² The reason for his diminished hope was what he called the Board's "reactionary tenor and methods."⁴³ He criticized them for spending too much time on "extraneous points," and for using the FBI material "the way a gossip columnist might."⁴⁴ He cited, for example, their questioning of him about associations with so-called "left-of-center groups."⁴⁵ Remington responded rhetorically to Lang:

What does that mean? Communist? Liberal? Trade unions? Cooperatives perhaps? They . . . [the Board] . . . were quite suspicious of the grocery and gasoline cooperative my family belonged to in

Washington, and of the cooperative housing project where my wife and children now live.⁴⁶

Other examples of what he felt were petty concerns were the Board's questions concerning such things as: his weekend visits to his mother-in-law's Croton estate; his possession of the writings of Lenin and Marx; and a report that he had been present at a Knoxville boarding house when someone commented that they would "just as soon salute a dishrag as the American flag."⁴⁷

Remington's replies to these inquiries were uncomplicated: that he had visited Mrs. Moos simply because his wife was determined to go, and because he enjoyed the country; that he had possessed an edition of Marx's writings on economics and a pamphlet on Lenin because he felt it appropriate for economics students to be aware of all kinds of economic views; and that he had simply never heard the comment about the American flag.

During his Lang interview he conveyed his bitter feelings about the Loyalty Hearing, lashing out against what he saw as the conservative and conformist attitude of the Board:

The whole atmosphere of the hearing made you kick yourself for everything you'd ever done. Why had I ever lectured to CIO workers in Tennessee? Why had I ever made donations to help the Loyalists in Spain? Why had I ever been on a peace committee at Dartmouth in 1937? Whatever made me attend an American Youth Congress meeting? What a pity that I couldn't point to a model marriage! What made me blurt out to these strangers that I believed in God, that I'd been a choirboy and an acolyte in the Episcopal Church? The Board seemed to be comparing me with their idea of a

loyal American--a composite character, a perfect mediocrity who never existed. If such a man did exist, I wouldn't care to meet him, because he wouldn't have had a thought in his head or a beat in his heart.*e

While the Loyalty Board was deliberating about their decision, Remington hired a lawyer. He chose Joseph L. Rauh, Jr., a lawyer he had met in 1946 when the latter was serving as Deputy House Expediter. Rauh, Chairman of the Americans for Democratic Action, was a prominent Washington liberal (and anti-communist) who later defended such notables as Lillian Hellman and Arthur Miller against Communist-related charges.

NOTES--CHAPTER 14

1. Lang, "The Days of Suspicion," p. 37
2. Bontecou, Loyalty-Security Program, p. 124.
3. Ibid., p. 125.
4. Ibid.
5. Lang, "The Days of Suspicion," p. 37.
6. Fourth Civil Service Regional Office, Washington, D. C., Interrogatory, William, W. Remington, August 18, 1948, p. 1 (hereinafter cited as Loyalty Interrogatory).
7. Ibid.
8. Ibid.
9. Ibid., p. 2.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid., p. 4.
14. Ibid., p. 23.
15. Ibid., p. 24.
16. Ibid., p. 23.
17. Ibid., p. 48.
18. Ibid.
19. Ibid., p. 8.
20. Ibid.
21. Ibid.
22. Ibid.
23. Ibid., p. 56.

24. Ibid., p. 54.
25. Ibid., p. 310.
26. Ibid., pp. 54 and 116.
27. Ibid., p. 116.
28. Ibid., pp. 210-211.
29. Ibid., pp. 54-55.
30. Ibid., p. 210.
31. Ibid., p. 116.
32. Ibid., p. 211.
33. Ibid., p. 210.
34. Ibid., p. 116.
35. Ibid.
36. Ibid.
37. Ibid., p. 210.
38. Ibid., p. 10.
39. Ibid.
40. Ibid.
41. Ibid.
42. Lang, "Days of Suspicion," p. ⁴⁰~~43~~
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.

CHAPTER 15

THE LOYALTY DECISION

The Loyalty Board's decision went against Remington. It was summarized in a five page deposition, filled with such dubious reasoning, unsupported suspicions and anti-liberal bias that it is worth looking at in some detail.

A typical passage dealt with Remington's transition from college life:

Fresh from college, imbued or saturated with "liberal" or "radical" idealism, it would seem reasonable to anticipate that Remington's contact with the practical realities of life would temper any college or campus-acquired radicalism no matter how extreme, as has been true in the cases of thousands of college graduates of that period.¹

Later the Board argued that under ordinary "circumstances and environment," Remington's "campus background of 'liberalism' or 'radicalism'. . . might have atrophied or disappeared."² The obvious implication was that liberalism was based on naive illusions and that a conservative political outlook was the mature and correct position.

After equating liberalism and radicalism, the Board used the terms "Communist" and "extremely liberal"

interchangeably in referring to Remington's TVA associates. His association with them was referred to as "sinister" because all of them "bore Communist or 'extremely liberal' reputations."³

In addition, many of the Board's major conclusions seemed quite unsupported by the evidence. For example, they declared, somewhat awkwardly, that:

The evidence that appointee . . . [Remington] . . . has been sympathetically and actively associated with Communists since 1934 is voluminous, and in view of his admission is presumed to have been in furtherance of such activities.⁴

When examined more closely, this statement seems quite exaggerated. For one thing, only two of the more than one hundred people questioned by the FBI, Robbins W. Barstow and John Parke, mentioned Remington's association with Communists at Dartmouth, and one of the two (Parke) made a retraction of his statement,⁵ backing away from his contention that Remington had been a member of the Young Communist League. Furthermore, while Barstow testified that Remington was one of several avowed Communists at Dartmouth, he mentioned no specific instance of Remington taking concerted action with Communists at Dartmouth.

Neither Robb B. Kelley nor William C. Chamberlin, the other two Dartmouth acquaintances who accused him of Communist views, made any allegation that Remington had consciously associated with Communists. Of the two, only Kelley mentioned the existence of Communists at the

college, and his evidence was hearsay.®

As for his year with the TVA, the Loyalty Board pointed out that some of his associates and fellow labor organizers had "admitted before a Congressional Committee that they were or had been Communists."7 Yet the Board had no evidence that these people were members when Remington was there, or, if they were, that he was aware of their relationship. Indeed, those interviewed by the FBI replied in the negative to both of those questions.

The only other conceivable, pre-Bentley grounds for the Board finding that Remington was involved with Communists were his ties with the so-called "front" organizations. Remington's version of things, which was the only one the Board had to go on, was that he probably saw Communists in his front activities, but that his involvement with them resulted from a joint concern for various issues and programs, rather than from a sympathy with communism.®

The Loyalty Board's equation of front involvement with subversive activity was implicit in the use it made of such data in its decision. The Board thus observed in its discussion of the Remingtons' Washington housing cooperative:

The feature of this matter that attracts our attention is that all but a few of them . . . [the cooperative members] . . . are reported as members of one to four of the organizations listed by the Attorney General as subversive.®

Perhaps the most basic reason to question the use of such data is the difficulty of ascertaining whether the subject was aware of the group's Communist connections. As Eleanor Bontecou explains, this was not usually self-evident because "the success of a Communist front depended to a large extent on its ability to conceal its true purposes."¹⁰ She pointed out that the Communists were often successful in their deception:

It has been shown that many of those on the list . . . [the Attorney General's] . . . succeeded in deceiving officials as well as private individuals. . . . Even strong anti-Communists who have testified concerning various Communist front groups have agreed that in many of them, the non-Communist members who were unaware of the hidden purposes of an organization far outnumbered the knowledgeable Communists and their sympathizers.¹¹

Her conclusion, therefore, was that "mere membership in any of these groups . . . [was] . . . a very imperfect divining rod for the discovery of hidden disloyalty," and, indeed, when "viewed from a purely mathematical angle . . . the presumptions would seem to be in favor of, rather than against, the loyalty of the members of these organizations."¹²

In practice, however, membership in organizations on the Attorney General's list raised a strong presumption of disloyalty in the minds of Loyalty Boards. According to Bontecou the "test" was "almost always . . . mechanical," with the doctrine of guilt by association, which the Attorney General had repudiated when issuing the list,

becoming "the effective policy in its general use."¹³ Part of the problem, according to Bontecou, was that the inadequate training and indoctrination of the Board members seemed to foster the practice of judging the question of loyalty "by the punch card method."¹⁴ Members were given instructions as to the "relative weight to be attached to various kinds of Communist activities," but little consideration was given to "the actual activities or professed objectives"¹⁵ of the particular organization. In addition, Loyalty Boards were "not allowed to explore the employee's motivation, or his actual activities in any group by interrogatory prior to the issuance of charges." The result was "to intensify the arbitrary character of the fiat listing, and also largely to nullify the rule that membership shall be treated as simply one piece of evidence."¹⁶

In the case of Remington's front involvements, the Board appeared primarily interested in establishing the mere fact of his membership, which they did not succeed in accomplishing. They overlooked such matters as whether he had knowledge of, or acquiesced in, any of the organizations' Communist or subversive purposes.

The issue of his American Student Union membership is a case in point. Though it was not on the Attorney General's list, the Board nonetheless cited his alleged membership as a factor in its unfavorable decision. They

did so despite the affidavit of Remington's friend, D. Clark Norris, which maintained that both the organization and Remington's role in it were negligible. Norris, who had been secretary of the Dartmouth ASU, stated that to the best of his recollection neither he "nor any other officer in the ASU ever did anything".¹⁷ He described the group as "just honest, truth-seeking utopia-searching youths" who would get together for "vague discussions about the problems of the world."¹⁸ The group recruited Remington, a "big man on campus," in order "to give the organization prestige."¹⁹ According to Norris, however, Remington "did not even seem very interested in it."²⁰ In appraising the organization he said:

In my opinion the ASU at Dartmouth amounted to nothing, did nothing, and the same could be said for any of its members including myself. . . . All it had for a foundation and structure was hot air.²¹

Bontecou argues in her discussion of alleged front activity that:

. . . to interpret such evidence as is presented and to reach satisfactory conclusions as to its meaning, the judges must have detailed knowledge and understanding of the history and activities of each organization and of the temper of the times in which it flourished.²²

Such a concern for circumstantial factors in assessing alleged Communist or subversive activity was clearly non-existent in the Board's Remington decision.

Contextual factors were most obviously ignored in the Board's indictment of Remington's purported acceptance

of Communist ideology. They asserted that Remington's:

. . . acceptance of Communist programs and principles, which he justified only by circumstances of the time, is inconsistent with the fact that he has admitted knowledge of Communist philosophies and doctrines, which historically, have never changed.²³

This statement made several dubious assertions.

One of the more questionable is the presumption that a knowledge of Communist "philosophies and doctrines" necessarily makes one cognizant of those aspects of Communism which "never change." Presumably, the Board was referring to what Earl Latham calls Communism's "power goals of subversive design."²⁴ Gabriel Almond points out in his book The Appeals of Communism, however, that relatively few individuals "perceived the power pattern in its doctrinal militancy."²⁵ at the time of their joining the party. He also found that less than 27 percent of his respondents had any acquaintance with the major Communist works prior to joining the party, and that of those exposed to the "esoteric doctrine," very few "registered and accepted it."²⁶

Confusing the question of knowledge about the basic Communist doctrines of revolution are what Latham calls the "internal and external representations of the party."²⁷ According to Latham, the internal "representation" (the core of Marxist-Leninist beliefs) was unchanging, with the leaders of the party being taught from the same Communist classics the world around. The external

representation, however, which was essentially propaganda and agitation, differed with the audience and the time.

This was particularly true, according to Latham, during the "Popular Front" period of 1935-1939. This was a time when the Communist Party radically changed its public image in response to the imperial ambitions of the Nazis and the "weak and unreliable system of alliances"²⁸ opposed to this threat. In a drive for collective security and a united front against the Nazis, the Communist Party swung "from the hard line to the soft"²⁹ in what Latham calls a "major re-orientation of Communist international tactics."³⁰ As it was presented at the Seventh World Congress of the Communist International by George Dimitroff, a Bulgarian Communist, the popular front was a "strategy of enticement" which sought to allure new members through the creation of "a new vision of the Communist Party and the Soviet Union as agencies for the attainment of social reforms and democratic values."³¹

John Gates, a former editor of the Daily Worker, described some of the changes that were made in Communist theory:

Communists could now support their own capitalist-democratic governments, even participate in them; socialists were their brothers and comrades; unity was essential not only within the labor movement but also with the middle classes and even the capitalists who opposed fascism.³²

Earl Browder, in a major tract on the new "theory,"

described how most of the old public notions about the party (e.g. that the party was "one of revolutionary violence,"³³ or that it took orders from Moscow) were false. The immediate aims of the party were reformist and included such typically liberal goals as civil rights for Negroes, the protection of the rights of women, relief programs for the unemployed and aged, and the right of workers to organize.

Historians like Earl Latham have noted the flexibility of the party line in the 1930's and 1940's. Therefore, one might conclude that the Loyalty Board's discounting of Remington's "circumstances of the times" rationale, as well as its perception of an unchanging Communism, were historically invalid. Latham buttresses Remington's historical reasoning with his assertion that the key to understanding the vogue of the communist party during the 1930's was "the political context and the adjustment of the party to the prevailing political disposition."³⁴ The Board's presumption that Remington's knowledge of Communist philosophy and doctrine was astute enough at ages 18 to 22 to see through to its unchanging elements seems unwarranted by the facts the Board had at hand, e.g. the FBI information.

Such a realistic view of communism seems even less likely during the war years when, as Latham described it:

. . . the pervasive good feeling about our Russian allies, . . . [and] . . . the unfocused and

indiscriminating fraternity of the wartime alliance, helped to throw a haze over many over our Slavic partners, to transform the cruelty of the Moscow trials into prescient toughness and the cynical arrangement with Hitler into admirable realism.³⁵

As Latham points out, even Earl Browder assumed the wartime partnership was to be permanent.³⁶

Other contentions of the decision relate to the circumstances of the Bentley-Remington meetings. It will be recalled that these meetings took place at such Washington locations as drugstores, restaurants, and a public park--rather than in Mr. Remington's office. The Board, not surprisingly, found these places to be of "immediate suspicion."³⁷ Based on this circumstantial evidence, however, they drew some rather extreme conclusions. For example, they stated:

The surreptitious manner and character of these meetings indicate conscious wrongdoing and a desire or effort on the part of Remington that her identity remain secret. This discounts his statement that the information was only such as could be obtained from published sources. We think he must have known he was imparting non-public information to a person closely identified with Communists.³⁸

While it may be granted that these arrangements were unusual and perhaps suspicious, they were not, on their face, necessarily "surreptitious." On the contrary, it would seem that drugstore soda fountains and restaurants would be far from ideal locations for the passing of secret information.

Nor does a surreptitious arrangement automatically

entail wrongdoing. The Loyalty Board's certitude on such points seems quite unjustified in the absence of other evidence.

Another unwarranted allegation by the Board was that Remington had "both denied and admitted the major issues"³⁹ in the case. He did, on the contrary, adhere to the key points of his story: his non-affiliation with the Communist Party or the Young Communist League; his unawareness of Bentley's Communist affiliations; and the public nature of the information he gave her.

The Board's decision against Remington came down simply to its acceptance of the negative evidence and complete discounting of his affidavits and witnesses. The members dismissed the latter because, as they put it, the witnesses neither admitted a "close association" with Remington, nor showed "any knowledge of his admitted associations with Communists or his membership in designated organizations."⁴⁰ They ignored the former because they: ". . . did not reveal a knowledge on the part of the writers of . . . [the] . . . character of . . . [the] . . . appointee's admitted activities or beliefs. . . . "⁴¹

As for Remington's "anti-Russian" attitude, which was attested to by various co-workers, the Board dismissed its probative value because of what they called a "reasonable doubt as to the motives"⁴² behind it. They

based their skepticism on "the pattern of his life, his dealings with Helen (Bentley), and . . . other circumstances."43

The Board makes clear in the following statements how much the burden of proof in a loyalty case rested with the employee:

It is accepted law that a state of facts, including a state of mind, once shown to exist, is presumed to continue until its discontinuance is proved beyond a reasonable doubt. (Reasonable doubt, under all the facts and circumstances appearing in the record, has not been dispelled.)44

With the burden of establishing innocence thus resting with the accused, one of the most basic principles of the Anglo-American justice system--the presumption of innocence--was sacrificed.

Remington's failure to prove the "discontinuance" of an alleged "state of mind" and "state of facts" revealed how difficult it could be to defend oneself against charges of disloyalty. Against Bentley's allegations he had, in the absence of corroborative witnesses, little recourse beyond trying to show an anti-communist history. Yet the Board had "doubt as to the motive"45 of his anti-communism because of the very leftist affiliations he was trying to show a reaction against. Faced with such a mindset, Remington was obviously up against a formidable obstacle.

NOTES--CHAPTER 15

1. Fourth Regional Loyalty Board, Decision of the Loyalty Board, Fourth United States Civil Service Region, September 22, 1948, p. 2 (hereinafter cited as Remington Loyalty Decision).

2. Ibid. p. 3.

3. Ibid., p. 2.

4. Fourth Regional Loyalty Board, "Analysis of Remington Decision," p. 50.

5. Parke, FBI Interview, May 28, 1948; Parke, Loyalty affidavit, August 14, 1948; and Robbins W. Barstow, Statement to FBI, April 17, 1950.

6. Kelley, FBI Interview, June 17, 1948.

7. Remington Loyalty Decision, p. 2.

8. Loyalty Interrogatory, p. 1.

9. Remington Loyalty Decision, p. 2.

10. Bontecou, The Federal Loyalty-Security Program, p. 201.

11. Ibid.

12. Ibid., p. 202.

13. Ibid., p. 178.

14. Ibid., p. 48.

15. Ibid., p. 174.

16. Ibid.

17. D. Clark Norris to W. Remington, September 12, 1948.

18. Ibid.

19. Ibid.

20. Ibid.

21. Ibid.

22. Bontecou, Loyalty-Security Program, p. 202.
23. Fourth Regional Loyalty Board, "Analysis of Remington Decision," p. 50.
24. Latham, Communist Controversy, p. 71.
25. Gabriel Almond, The Appeals of Communism (Princeton, N. J.: Princeton University Press, 1954), p. 102.
26. Latham, Communist Controversy, p. 60.
27. Ibid., p. 59.
28. Ibid., p. 32.
29. Ibid., p. 50.
30. Ibid., p. 52.
31. Ibid., p. 102.
32. John Gates, The Story of an American Communist (New York: Nelson and Sons, 1958), p. 38.
33. Latham, Communist Controversy, p. 53.
34. Ibid., p. 54.
35. Ibid., p. 153.
36. Ibid., p. 157.
37. Remington Loyalty Decision, p. 5.
38. Ibid.
39. Fourth Regional Loyalty Board, "Analysis of Remington Decision," p. 50.
40. Ibid., p. 51.
41. Remington Loyalty Decision, p. 6.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.

CHAPTER 16

THE LOYALTY REVIEW BOARD HEARING

Remington immediately appealed the Board's decision. His letter contained the key to his eventual clearance: a request for Elizabeth Bentley's personal appearance at his review hearing. The idea of soliciting Bentley's attendance came from Attorney Rauh, and it was a sound one because Remington would benefit whether or not she appeared. If she chose to testify (the Review Board had no power of subpoena), Remington and his lawyers would have the opportunity to cross-examine her. Her refusal to testify could be even more to Remington's advantage since it would highlight the inconclusiveness of the government's case. It would also deprive Remington of his basic right to confront his accuser. Her absence, furthermore, would reflect negatively on her character and detract from her credibility. Since her testimony was uncorroborated and undocumented, her character and credibility were especially vital to her case.

Emphasis on Remington's inability to challenge Bentley was an effective point to stress because the Loyalty Program's non-confrontation policy was an admitted

sore point for the Review Board. Research by Remington's lawyers had uncovered this point, which is evident in the following statement by Review Board Chairman Seth W.

Richardson:

The fact of non-confrontation of witnesses operates to the disadvantage of the employee. . . . So serious is such a situation that it has been strongly urged upon us by responsible persons that, rather than permit such a situation to exist, the entire loyalty program should be abandoned, even if the Government should thereupon be compelled to cease attempting to screen out disloyal employees.¹

On attorney Rauh's advice, Remington also launched a counter-offensive against Bentley, filing a \$100,000 libel suit. The suit was based on her repetition (on the television show "Meet the Press") of the charge that Remington had been a member of the Communist Party. On television she lacked the legal immunity from lawsuits which she had had before the Congressional committees. Remington's suit followed the example set several days previously by Alger Hiss' libel action against Whittaker Chambers. Hiss' suit was in reaction to the charge of Communist Party membership on the same program. As attorney Rauh viewed it, Remington had no choice in the matter:

The minute I saw it . . . [the show] . . . I told Remington we either sue or we quit. If we accept it [her charges] there, how can we deny it some place else? It was libelous.²

In a September 23, 1949 letter, Bentley was given a week in which to retract her accusation. Upon receiving

no response, Remington hired Richard G. Green, a New York libel lawyer recommended by Arthur Garfield Hays, the noted civil liberties expert.

The libel suit accused Bentley of defamatory and libelous statements. As the affidavit declared, they:

. . . were intended to and did convey the meaning that plaintiff [Remington] was and is a member of the Communist Party; that plaintiff was a member of the Communist Party while an employee of the United States, contrary to the laws of the United States; that plaintiff took oaths for positions in the Government of the United States that were false and in violation of the criminal laws of the United States; that plaintiff testified falsely under oath before the Senate Committee in violation of the criminal laws of the United States when he swore to that Committee that he is not and never had been a Communist or a member of the Communist Party.³

Just before the suit was brought, Remington made his own last-ditch effort to get the FBI to intercede with Bentley. Assuming they had some control over her, and that they did not want to see her credibility damaged, he solicited the Bureau's aid in negotiating a deal in which he would refrain from challenging her statements if she retracted the details concerning himself.⁴ The FBI declined the offer and informed him that Bentley had acted "on her own initiative," and that they were "not in a position to control her in any manner whatsoever."⁵

Attorney Rauh thought the times so reactionary that the recruitment of a more conservative lawyer would strengthen the Remington defense. His feeling was that such a move was the best way to "take the liberal curse

off"e himself. He managed to recruit Bethuel M. Webster, a prominent New York corporate lawyer who was then Chairman of the Judiciary Committee of the New York City Bar Association.

Meanwhile, the Loyalty Review Board obtained from Bentley her promise to appear and answer questions.⁷ Subsequent events seemed to suggest, however, that she never intended to appear. Shortly before Remington's scheduled hearing, she informed the Board that a speaking engagement in Rochester, New York, prevented her attending the November 22, 1948 hearing.

Attorney Webster, in a letter to Chairman Richardson cleverly exploited Bentley's cancellation. He did so by reiterating his concern about the principle of witness confrontation--a concern which he knew both the Remington defense and the Board held in common. After suggesting the postponement of the hearing to a later date to accommodate Bentley, Webster added:

Of course, if there is no possibility of her appearing later, there is nothing for us to do but proceed as best we can on the 22nd on the record as we know it, without the benefit of cross-examination, which in this case is vital to the defense of Remington.⁸

Rauh's brief had significant impact on the decision of the Board members. The brief was essentially a chronological commentary on the affidavits and letters already submitted on Remington's behalf. It convinced the Board that the issue of Remington's loyalty should be

narrowed to the accusations made by Bentley. It accomplished this by positing loyalty criteria which the Review Board could accept, and which would correspond to Miss Bentley's allegations about Communist Party membership and espionage. The three criteria of loyalty asserted were: 1) advocacy of a change in the form of government or economic system of the United States by "unconstitutional means";⁹ 2) superior loyalty to another country;¹⁰ and 3) the intentional and unauthorized disclosure of non-public information "obtained by the person making the disclosure as a result of his employment by the Government of the United States."¹¹

By isolating Bentley's accusations from allegations about Remington's college and Communist front activities, the effectiveness of the numerous affidavits attesting to Remington's loyalty and anti-communism became that much greater since they were contemporaneous with the Bentley relationship. The cumulative impact of the affidavits, many coming from distinguished members of government and academia, served to discredit the unsupported testimony of Miss Bentley, the self-confessed ex-spy apparently unwilling to be cross-examined. With Bentley's absence, Remington's brief and testimony created such a lopsided presentation on his side, that one Review Board member, George W. Alger, questioned whether or not in future cases someone should appear to represent the

Government:

Here we have an excellent brief presented on behalf of the Appellant (Remington), and a hearing, and nothing on the side of the Government. Should there be some consideration given to having the Government represented on these appeals by the Attorney General's office . . . ?¹²

On Remington's behalf, such eminent figures as Ernest M. Hopkins, the President of Dartmouth, Wesley C. Mitchell and Robert M. Haig, Columbia economics professors, and David Bruce and Thomas Blaisdell, Assistant Secretaries of Commerce, praised his character and patriotism, and supported his argument that his views on public issues were contrary to the Communist Party "line."¹³ While this evidence had been discounted by the Regional Board as a smokescreen for his Communist activities, such was not the view of the Review Board. They evidently were swayed by attorney Rauh's Brief which argued that to view Remington's thoughts and actions as insincere, one would:

. . . have to assume that Remington was given some sort of special dispensation not only to speak against, but actually to work against, the positions and interests of the Communist Party throughout his entire government career.¹⁴

Other points in the brief having a noticeable impact on the opinions of the Review Board were: 1) Remington's youth; and 2) the United States-Russian war-time relations.

Rauh dismissed the radicalism of Remington's Dartmouth and TVA periods as youthful aberrations which

were normal and of no predictive value to his future loyalty. Supporting this point was an apt quote from Robert Louis Stevenson, referring to his college radicalism:

I am no more ashamed at having been a red-hot Socialist with a panacea of my own than at having been a sucking infant. Doubtless the world is quite right in a million ways; but you have to be kicked around a little to convince you of the fact. And in the meanwhile you must do something, be something, believe something.¹⁵

Rauh cited Remington's age as a factor explaining how he had been deceived by Bentley:

. . . if we are to venture our own opinion as to how Remington could have been taken in by Miss Bentley, we would call attention to the flattery involved in a 24 or 25-year old subordinate government employee having a newspaper woman seek him out, just as other newspaper men and women were seeking out his superiors and colleagues.¹⁶

Chairman Richardson was sufficiently impressed with this point to incorporate it nearly verbatim into his memorandum on the case:

I cannot overlook the fact that at the time of the Bentley transaction, Remington was only 24 years old, and was quite probably greatly flattered with the prevalent idea that he was being sought out by a prospective author for book-writing purposes.¹⁷

The brief posited the wartime alliance with Russia as a factor affecting whether Remington should have been suspicious of Golos. Rauh's brief stated:

It must be remembered that these two conversations . . . [between Remington and Golos] . . . were held early in 1942 at a time when the Communists were supporting the war effort as completely as the most ardent patriot. . . . General discussions of the war effort, therefore, would not be calculated to evoke

any statements from a Communist which would throw suspicion on him.¹⁸

Review Board member Harry W. Colmery, in his memorandum on the case, accepted the brief's position on this matter and took it a step further:

Why should Remington have been suspicious of Golos? Suppose that he had known that he was a Communist or Russian agent. Russia was an ally of the United States in the war, then-1942. She was on our side. We were in the process of encouraging her, and doing everything we could to keep her in the war, and to assure her that we were preparing to move in on the Western Front--thus to obtain with her a common victory . . . it was no more wrong under those circumstances, to associate with a Russian or a Russian Communist or to give information to such--assuming it was public information--than to have done either, with or to, a Frenchman or an Englishman or any other ally of the United States.¹⁹

Perhaps the brief's most effective thrust was its attack on the Loyalty Program's infringement of due process safeguards, most particularly the right of cross-examination. It was pointed out that Remington had "not at any time had access to FBI and other reports or statements, or the right to examine informants or witnesses concerning such matters which were before the Regional Board."²⁰ The argument for the importance of cross-examination was buttressed by two relevant quotes. The first, by Wigmore, cited the right of cross-examination as "beyond doubt the greatest legal engine ever invented for the discovery of truth."²¹ The second was the argument by Chief Justice Stephens of the United States Court of Appeals for the District of Columbia Circuit, that:

In the absence of the opportunity to cross-examine witnesses there is, in fact, no hearing, and that in such a situation the tribunal is unable to judge 'from demeanor and by cross-examination the opportunity of the witness to know what is claimed to be known, and his capacity for observation, memory, and statement.'22

In Bentley's absence, the review hearing was somewhat uneventful. The early part was essentially a reiteration of the brief points, with attorney Webster leading Remington through a series of questions concerning his opposition to the Communist party "line." This was followed by the Review Board's rather routine probe of the major allegations against Remington. A prominent part of the hearing was Webster's persistent emphasis on Bentley's absence. After reminding the Board that Remington had not had an opportunity to cross-examine her during his Senate appearance, Webster prodded the Board on two other occasions concerning the issue.

Mr. Webster: I had intended at this point, had I had the opportunity, to examine Miss Bentley; but I did not get the opportunity--not because the Board has not done everything it could to permit that.

Chairman Richardson: We seem to develop the practice of trying people in absentia. It is rather difficult to cross-examine them in absentia.

Mr. Webster: As I can well imagine, all of you being experienced lawyers, the prospect of examining Miss Bentley was one looked forward to with a good deal of eagerness.

Mr. Alger: We share your disappointment.

Mr. Webster: I am much disappointed for professional reasons. I think Mr. Remington is disappointed and really seriously prejudiced for other reasons.23

* * *

Mr. Webster: Now it has been a great disappointment to us not to have an opportunity to examine Miss Bentley, because her testimony is just charged with inconsistencies and impressions and conclusions and superficialities which any trial lawyer would be eager to get at. But we do appreciate that you did everything you could to give us that opportunity and that you, yourselves, are disappointed at her failure to appear here.²⁴

The Remington defense received some special press support on the non-confrontation issue from New York Post associate editor James A. Wechsler, a friend of Rauh's. Attorney Rauh later confided to a friend that without Wechsler they "never would have won."²⁵

On the day after the hearings, Wechsler wrote an editorial about the "grotesque procedural aspects" of the Remington case, referring, of course, to Remington's inability to summon his accuser for cross-examination. Wechsler also presented a scathing commentary on Bentley, contrasting her notorious Congressional appearances with her absence at the "closed" loyalty hearing:

Once upon a time the klieg lights blazed, the newsreel cameras whirled and bulletins were flashed from the hearing room in swift succession. Elizabeth T. Bentley, a former Communist courier was confessing. . . . The summertime charges were heralded in black headlines. Remington's desperate back-to-the-wall denials got only secondary sceptical notice.

The scene was dramatically altered yesterday. . . . The doors were closed; there were neither lights nor cameras, and only a few newspapers even took cognizance of the event. . . .

So no photographs were taken of the empty chair--the chair symbolically reserved for Miss Bentley so that she might reiterate her charges, confront her victim and face cross-examination. She had refused to appear.²⁶

The Review Board was so frustrated by its inability to question Bentley, and so sensitive to criticisms thereof, that it decided to reopen the case in the hope that arrangements could be made for her to appear.

A new date was set (December 15, 1948) after Chairman Richardson had been informed that Bentley would appear.²⁷

In the meantime, however, one of the Board members, George W. Alger, had seemingly made up his mind about the case. A week after the November hearing he wrote in a memorandum to Richardson that he did not think there was "any justification for holding that Remington is disloyal or that he ever was."²⁸ The criterion for his opinion was that of credibility--Remington's versus Bentley's, with Bentley's absence a determining factor in his favoring Remington. As he put it:

. . . the record here is the uncorroborated statement of a woman who refuses to submit herself to cross-examination, who is a self-confessed spy as against a young man whose every action in public employment showed a distinct anti-Communist slant.²⁹

A week prior to Bentley's scheduled cross-examination, she again informed the Review Board that she would be unable to appear because of an out-of-town speaking engagement. Shortly after receiving word of Bentley's cancellation, Chairman Richardson joined Alger in the view that there did not exist "reasonable grounds for the belief that Remington was disloyal to the United States."³⁰

However, he remained unready to give up the idea of cross-examining Bentley, preferring to delay the final decision one last time in an effort to secure her as a witness. Evidently he was receiving assurances from certain sources that such a meeting could still be arranged.³¹

As he explained somewhat apologetically in a letter to attorney Webster:

It is perhaps unfortunate that the panel in charge of the Remington case is over-anxious to present Miss Bentley as a witness. The panel feels very strongly that a much more satisfactory determination of the case can be made if Miss Bentley presents herself as a witness.³²

In order to break "the Bentley impasse," attorney Rauh decided to "force the issue."³³ Noticing that Bentley tended to deny impulsively things she did not wish to admit, Rauh and Wechsler worked out a plan to "smoke Bentley out." The result was, according to Rauh, "one of the biggest breaks in the case." Wechsler had the New York Post call Bentley "dead-pan"³⁴ and ask if she was considering testifying before the Loyalty Board.

Bentley replied that she had never even heard from the Loyalty Board. Moreover, as Wechsler reported the story in the New York Post the following day, Bentley also stated that she did not even know that Remington had appealed his case to the Board.³⁵

Wechsler wrote the story as a conflict between her

and the Loyalty Board, and then called Richardson to read Bentley's statement. The latter's response, which was carried in the press, was swift and angry, maintaining that there was "not the slightest truth in her statements."³⁸ He also declared that the case would be decided in ten days, with or without Bentley's help.

NOTES--CHAPTER 16

1. Seth W. Richardson, December 23, 1947, (quoted from Remington Appeal to Loyalty Review Board), August 27, 1948, Rauh papers.

2. Rauh, in interview with with, November 12, 1979.

3. Remington Libel Suit Affidavit, p. 1, Rauh papers.

4. J. Edgar Hoover to the Attorney General, October 1, 1948.

5. Ibid.

6. Rauh to James Allen, July 6, 1949.

7. Richardson to George W. Alger, October 28, 1948. (All correspondence by Harry W. Colmery, George W. Alger, and Seth W. Richardson are from the U.S. Civil Service Commission's Loyalty Review Board files on the Remington case.)

8. Bethuel M. Webster to Richardson, November 17, 1948, Bethuel M. Webster papers.

9. Brief for W. W. Remington on Appeal from the Decision of the Regional Loyalty Board, p. 51, Rauh papers. (Hereinafter cited as Remington Loyalty Brief.)

10. Ibid., p. 52.

11. Ibid., p. 56.

12. Alger to Richardson, December 1, 1948.

13. Remington Loyalty Brief, pp. 54-55.

14. Ibid., p. 58.

15. Ibid., p. 61.

16. Ibid., p. 63.

17. Richardson Memorandum, December 13, 1948.

18. Remington Loyalty Brief, p. 23.

19. Colmery Memorandum, January 18, 1949.

20. Remington Loyalty Brief, p. 2.
21. Ibid., p. 58.
22. Ibid.
23. Transcript of Proceedings, Hearing in the Appeal of W. W. Remington by a panel of the Loyalty Review Board, November 22, 1948, p. 10 (hereinafter cited as Remington Loyalty Review Hearing).
24. Remington Loyalty Brief, p. 43.
25. Rauh to Allen, July 6, 1949, p. 4.
26. New York Post, November 23, 1948, p. 10.
27. Rauh to Webster, January 3, 1949.
28. Alger to Richardson, December 1, 1948.
29. Ibid.
30. Richardson Memorandum, December 13, 1948.
31. Richardson to Webster, December 21, 1948, Webster papers.
32. Ibid.
33. Rauh to Allen, July 6, 1949.
34. Rauh, in interview by author, December 11, 1979.
35. New York Post, January 10, 1949, p. 4.
36. Washington Evening Star, January 11, 1949, p. 1.

CHAPTER 17

THE REVIEW BOARD DECISION

The Review Board finally cleared Remington on February 10, 1949, and requested the Secretary of Commerce, Charles Sawyer, to reinstate him. As in the case of the Regional Board's decision, there was no public explanation for the verdict.

An important element in his successful appeal was certainly Remington's decision to hire a lawyer. With Webster's skillful advocacy and Rauh's excellent brief, the case affirming his loyalty became more persuasive, even though its basis (the affidavits) was unchanged. The prominence of the affidavit sources, the apparent consistency of his anti-Communist positions, and the near-unanimous praise of his loyalty and integrity were an effective contrast to the unsupported Bentley testimony.

Another factor in the changed verdict (and one which shows some confusion about what constituted disloyalty) were the remarkably different operating assumptions of the Loyalty Regional and Review Boards. For the former, the pattern of Remington's life before he met Bentley--his alleged membership in organizations from the

Attorney General's list and his associations with radicals and/or Communists in college and through his wife--was deemed nearly as significant as his alleged espionage activities.

The Review Board, however, discounted nearly all of the non-Bentley evidence, principally because of their different assumptions about what proved disloyalty. Review Board member Harry W. Colmery, for example, rejected the significance of membership in or affiliation with organizations from the Attorney General's list because there was no evidence that these groups:

. . . advocated an overthrow of our Government by force or violence, or a change in it by unconstitutional means, or . . . had ever advocated any allegiance to any government or philosophy other than those of the United States.¹

Alger, furthermore, saw nothing particularly wrong with Remington's radical bent in college, saying:

It is scarcely a crime or an indication of a Communistic slant to have for a time an open and an inquiring mind on such matters.²

In addition, he chastened the Regional Board for its failure to give proper weight to the mass of favorable testimony submitted on Remington's behalf for this period:

The Board has apparently disregarded all the overwhelming testimony of the professors, who knew him in college and knew him later during his career.³

Colmery went even further in dismissing the significance of Remington's undergraduate radicalism:

. . . whether his school record be considered alone or as supporting the testimony of Miss Bentley, I reject

it as of no probative value in support of the charge of disloyalty for the reason that . . . : It is too remote in point of time to be material or relevant to the fact in issue--disloyalty to the United States.*

Alger also even questioned the guilt of Remington's associations with Communists at later stages in his life. Concerning the allegations that the Tauxemont Cooperative project was a "hotbed of Communists," and that Remington had contacts with Communists at his mother-in-law's, Alger noted:

I know some pretty terrible people myself, and I suppose we all do, but it doesn't necessarily follow that we share their views.*

Perhaps the most important difference between the two tribunals was that the Review Board based their decision on verifiable fact, while the Regional Board relied on mere suspicion. Some of the clearest examples of this difference were the inferences drawn from the circumstances of the Remington-Bentley meetings. As previously discussed, the lower board found the arrangement "surreptitious" enough to conclude that: a) Remington was conscious of wrongdoing; b) that he knew Bentley was a Communist agent; and c) that the information given was secret.

It is on this issue that Alger levels his strongest criticism of the Regional Board. He described the inferences as "wholly unjustified" and not "at all supported by the facts."* He would not even allow that the

meeting places were necessarily suspicious:

All his meetings with her were in more or less public places. You can scarcely call the places where they met as places where one would go who was engaged in something surreptitious.⁷

Alger attacked the entire decision against Remington calling it "one of assumption based on unsupported suspicion."⁸

The three Review Board members were also unanimous about there being no proof that the information given to Bentley was non-public.

Richardson was the only one of the three who voiced certain doubts about Remington's story. He found the latter's explanation of the Bentley affair to be dubious, and felt Remington had shaded the truth in certain other areas. In a memorandum he wrote:

I think that Remington knew he had no business to give out information. I do not believe his story that he was doing it as part of his official permissive duty. I think the whole affair was surreptitious and off-color,....

Yet, he attached great weight to the war-time alliance with Russia, as well as Remington's youth and immaturity, and was so impressed with the "host of persons who have written letters in his behalf," that he was "unwilling to agree that reasonable grounds exist for the belief that Remington is disloyal to the United States."¹⁰

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1. Colmery Memorandum, January 18, 1949, p. 2.
2. Alger to Richardson, December 1, 1948.
3. Ibid.
4. Colmery Memorandum, January 18, 1949, p. 2.
5. Alger to Richardson, December 1, 1948.
6. Ibid., pp. 4-5.
7. Ibid., p. 4.
8. Ibid., p. 5.
9. Richardson Memorandum, December 13, 1948,
p. 2.
10. Ibid.

CHAPTER 18

THE NEW YORKER PROFILE AND LIBEL VICTORY--

REMINGTON'S HIGHWATER MARK

Despite his Review Board clearance, Remington was moved to a less sensitive position at the Department of Commerce. Such a move was made perhaps to avert an uproar in Congress over reassignment to his previous position as supervisor of export licenses to Russia and her satellites.

The new position, which involved handling general imports into the United States, was described to the press by a superior, Francis E. McIntyre, as "important work, worthy of his ability, but . . . [which] . . . does not involve the dramatic issue of national security."¹

Public criticism of the decision came principally from the former members of the Ferguson Committee. Senator McClellan (D-Ark.) called the decision a mistake, even though he had not seen most of the data before the Review Board. He referred to Bentley's testimony as "strong evidence that he . . . [Remington] . . . made a valuable contribution of information to a Communist who was passing on that information through spy channels to the Russian

Government."² Senator Homer Ferguson, who had campaigned earlier for a grand jury indictment against Remington, was a bit more subdued, saying merely, "I am surprised on the basis of evidence that was before our committee."³ Unlike McClellan, he allowed for the fact that he had not seen all of the data before the Review Board. Senator Ives (R-N.Y.) abstained from criticizing the loyalty aspects of the decision, but nonetheless called Remington still unfit to resume his Commerce Department post, describing him as "not qualified by temperament or attitude to occupy a position of such responsibility."⁴

The FBI kept Remington's "security case" in a "pending status" despite his loyalty clearance, because they felt him to be a "potential danger in the event of an emergency." They felt the grounds for such a concern were "clearly established by his past sympathies and activities in Communist-dominated movements and organizations and his alleged espionage activities."⁵

In the meantime, Remington's libel action against Bentley, the National Broadcasting Corporation and General Foods Corporation, was proceeding slowly and uneventfully as evidenced by the fact that ninety days had elapsed before Bentley was served her papers. The initial delay was due to her unannounced sojourn at a New York Catholic retreat, where she received instruction in that faith from Msgr. Fulton J. Sheen.⁶ Further delay resulted from defense

counsel's efforts to induce Bentley's appearance at the Loyalty Review Board Hearings. The futile offer was a promise to abstain from serving her papers at the hearing.

Remington's loyalty clearance did, however, improve the public relations aspects of his case. Following the decision, Daniel Lang, of the respected New Yorker, wrote a highly sympathetic profile about Remington's seven-month struggle for a clearance.⁷ It told the story essentially from Remington's point of view and emphasized most of the points stressed in the affidavits and loyalty brief. It also delivered a strong attack against the loyalty program, and the pervasive atmosphere of suspicion felt to exist in the country at the time. The central focus of the article was the shattering effect such an environment could produce on a seemingly innocent young man. Lang described Remington's life before and after his ordeal, contrasting his earlier status as a "rising star" in government, with that of his downfall to a disgraced outcast who, in his own words, "acted the way a spy might":

When I was on a trolley or in a bus, I'd look the other way, to avoid being recognized. Once a street photographer aimed his camera at me, and I waved him away angrily. I didn't want to see my friends. . . . If an acquaintance ran into me and said hello, I was brusque. I didn't want to be patronized.⁸

In this detailed profile of his descent, he was shown going from the top of the Civil Service salary scale

to impoverishment and a daily subsistence diet of "peanut butter sandwiches, oranges and beans." He was portrayed as changing from a hard-driving, ambitious young man to one who, after the clearance "refused to be the last to leave the office."⁹

One of the tragic themes of Lang's profile was the demoralization that remained even after a favorable decision. As Remington told Lang, he refused, once back at work, "to be told the combination of the office safe," and did "not want to be where the key to the file cabinet was kept." The piece ends with Remington expressing the pathetic wish that the FBI be assigned to watch him "twenty-four hours a day."¹⁰

So eloquent and poignant was Lang's profile that it elicited movie interest from 20th Century Fox. The project never panned out, however, because of various legal and technical obstacles, particularly the inability to get a release from Bentley.¹¹

Three matters gave Remington's attorneys some concern during the eight month wait for the libel decision: 1) Mrs. Remington's filing for divorce on the grounds of adultery; 2) the possible identification of Remington's case with that of Alger Hiss; 3) and Remington's substantial legal expenses.

Attorney Rauh was concerned about the adverse publicity that might arise from Mrs. Remington's action,

and he hoped for the libel suit's adjudication before the divorce sparked much notice. Richard Green, Remington's libel attorney, was somewhat less worried about the immediate repercussions, pointing out that:

. . . [publicity about the divorce suit] . . . could considerably hurt chances of a settlement, but on the other hand this is New York City, and while divorce may be shocking to Catholics, you still can't call people Communists and traitors and get away with it just because they sleep with other people than their wives.¹²

While the divorce did not have an effect on the libel suit, it did, of course, have a significant impact on the case. As Fred J. Cook pointed out in his Nation article "The Remington Tragedy," it was to "alter the entire complexion of the case," for while a wife cannot be forced to testify against her husband, a divorcee can be required to testify "to events that were not strictly private during her marriage--in other words, to occurrences at which outsiders were present."¹³

However, few people on the Remington side seemed particularly aware of the divorce's potential effect on the case. Attorney Rauh, for example, made the following appraisal of Mrs. Remington as a possible witness against his client:

Her mother . . . is a Communist, she is close by now, and undoubtedly hates Bill . . . Little or no credence could be given to anything she told the FBI, or anybody else.¹⁴

Remington's attorneys were concerned, however,

about possible associations of their case with that of Hiss since there were numerous parallels between the two men and their cases.¹⁸ Indeed, the Remington case would ultimately be billed as a second or little Hiss case. The Nation pointed up the many similarities in the cases and the men in their preface to the Cook article:

Both were products of 'old-line' American background: Hiss of a distinguished Maryland family, Remington of a respectable, upper-middle-class New Jersey Republican clan. Both were personable, attractive men; and both were idealists, perhaps because both were mild dissidents from the white-Protestant-middle-class order. Hiss was a Quaker; Remington, at one time, had been influenced by the so-called Oxford movement. Both were graduates of foremost American educational institutions: Hiss of Johns Hopkins and Harvard Law School, Remington of Dartmouth and Columbia Business School. But what Hiss and Remington had more in common than anything else was their special relation to the New Deal. Both were symbols of the New Deal intellectuals, brain trusters, idea-men with social vision who swarmed to Washington in the thirties. . . .¹⁹

Hiss' indictment in December of 1948, before the libel settlement, made identification with his case that much less desirable. Fortunately for Remington, his libel settlement was a favorable one. On January 25, 1950, it was determined he would receive \$9000 from NBC and General Foods. To allay the pre-settlement concerns of General Foods and Lawrence Spivak (moderator of "Meet the Press") that there would be newspaper stories exploiting the decision, the Remington defense agreed that their client would neither issue a statement announcing the settlement, nor discuss the matter if questioned by the press or

radio.¹⁷ While Attorney Rauh had earlier maintained that anything less than \$10,000 without a retraction by Bentley, would not be "vindication," it was nonetheless considered a victory because, as Rauh put it, their "expenses were killing" them.

The libel decision culminated a string of victories for Remington, and appeared to complete his "vindication." His loyalty clearance represented a verdict by the country's highest tribunal for such questions. Furthermore, it was based on an investigation that was, by FBI accounts, quite thorough. The Bureau had looked into Bentley's allegations for nearly three years, had probed the previous thirteen years of Remington's life, and had interviewed over a hundred people.

In addition, Daniel Lang's New Yorker article provided a degree of character restoration, with its portrayal of Remington as a heroic if scarred survivor who was able to overcome ostracism and poverty to redeem himself.

Finally, the libel victory provided both a token financial restitution and a silencing of his chief accuser (Bentley) in unprivileged forums.

Though these Remington triumphs seemed definitive, they ran counter to such formidable forces and "interests" that an easy acceptance of a favorable Remington "verdict" was unlikely. Perhaps most unacceptable was the fact that

Remington's "victories" damaged Bentley's viability as an informant. The Remington case had been a kind of test case of her story, and his successes had delivered a serious blow to her stature as an ex-Communist witness.

Such a result was likely to be a matter of real concern to formidable institutions and groups like the FBI, the Catholic Church, and the Congressional investigating committees which had probed Bentley's story. All of them had shown so strong a commitment to Bentley and her story, that they had developed a vested interest in her.

The FBI, for instance, had enough faith in Bentley to launch a widespread investigation, and during their probe they had repeatedly attested to her veracity and reliability.¹⁹ The government's failure to obtain any indictments from her testimony, and her defeats vis-a-vis Remington, were thus significant setbacks for the FBI.

Many members of the HUAC and Ferguson Committees had also gone on public record in support of Bentley over Remington--both before and after the Review Board decision. The Remington loyalty and libel decisions represented, therefore, a most unsatisfactory outcome for them as well.

The Catholic Church also had a special interest in Bentley. They had converted her, provided her with lodging and legal services, and given her a means of livelihood--a teaching position and lecture engagements.²⁰ In return, Bentley was propounding a pro-Catholic and anti-Communist

message in her lectures and writings. She told one audience, for example, that she "embraced" the Roman Catholic faith "after she became convinced that only the teachings of the church could defend the world against [the] tyranny over the human spirit that Communism seeks to impose."²¹ She maintained in another lecture that Communism would "not exist forever in a world in which Christian democracy existed."²² The Catholic Church was thus obviously concerned about anything undercutting the credibility of this spokesperson they had recruited and sponsored.

Still another party interested in Bentley's success as an informant was the publishing company, Devin-Adair, with whom she had contracted to write her autobiography. Her Catholic connections had stood her in good stead here as well, for John Brunini, a Catholic writer and editor of Spirit, the "organ of the Catholic Poetry Society of America,"²³ volunteered to become her literary "advisor" during the preparation of the book.²⁴

With so many concerned parties, it was not surprising that a purported new lead in the case would be eagerly exploited. Indeed, the new information would create such a furor that the seemingly closed Remington case would be forced open.

NOTES--CHAPTER 18

1. New York Sun, February 11, 1949, p.1.
2. Ibid.
3. Ibid.
4. Ibid.
5. FBI Report--"History of FBI Investigations--Remington," April, 1950, p. 2.
6. New York Daily News, November 17, 1948, p. 5.
7. Lang, "Days of Suspicion," pp. 37-40.
8. Ibid., p. 40.
9. Ibid., p. 37.
10. Ibid., p. 37.
11. Allen to Rauh, November 3, 1949, Rauh papers.
12. Richard Green to Rauh, June 14, 1949.
13. Cook, "The Remington Tragedy," p. 493.
14. Rauh to Green, October 15, 1948, Rauh papers.
15. Rauh to Green, July 11, 1949 and Green to Rauh, July 13, 1949.
16. Cook, "The Remington Tragedy," p. 493.
17. Green to Rauh, February 9, 1950.
18. Rauh to Green, December 19, 1949.
19. "Summary of FBI Investigations--Remington,"
p. 12.
20. New York World-Telegram, November 16, 1948,
p. 2 and December 16, 1948, p. 4.
21. New York World-Telegram, November 16, 1948,
p. 1.
22. New York Sun, November 22, 1948, p. 1.

23. Catholic World (176), March, 1953, p. 418.
24. Packer, Ex-Communist Witnesses, p. 85.

CHAPTER 19

THE CASE RE-OPENED

As early as May 19, 1949, Paul Crouch, a veteran ex-Communist witness, had approached the FBI seeking to provide them with some "additional help" on the TVA aspects of the Remington case. Crouch had been a District Organizer of the Communist Party in the South between 1934-1937. Upon learning that Remington had roomed with Merwin Todd, an alleged Communist Party official, he recommended to the FBI that they speak with several former Knoxville Communists, notably Mabel Abercrombie and Kenneth Malcomb, the latter of whom had supposedly founded the Knoxville Communist Party unit.

To the FBI's later regret, they ignored Crouch's suggestion.² Yet, they perhaps had good reason not to act. They had already conducted a thorough investigation into Remington's TVA experiences and had questioned several former Knoxville Communists, including Henry Hart, Mabel Abercrombie and Christine Benson. All, as previously noted, had denied knowledge of any Communist affiliation on Remington's part. Furthermore, the Loyalty Review Board had given little credence to Remington's TVA episode.

Not to be denied, however, Crouch approached the less discriminating HUAC with his suggestion, and the committee, ever anxious for new leads, launched its own probe by sending investigators into Tennessee to inquire about Remington's TVA associations.³

Several months of inquiry managed to turn up two ex-TVA Communists, Kenneth McConnell and Howard Bridgman, who were willing to state that Remington had been a Communist during his teenage sojourn in Tennessee. On the basis of their prospective testimony, HUAC made official plans to re-open the case.

The HUAC of the 81st Congress was different from its predecessor.⁴ At the start of the 81st Congress, the Democratic leadership had, in an effort to tame the committee, replaced two of its more irascible members (Rankin and Hebert) with Truman Democrats. The Republicans were only able to retain four members.

Walter Goodman points out in his book, The Committee, that the changes were more than nominal. Newsreel and television cameras were barred from the hearing room, and for the first eight months there were neither public hearings nor leaks from executive sessions. However, as Goodman notes, a series of shattering "external" events soon exerted pressure on the committee "to cast off . . . [its] . . . unaccustomed restraints."⁵ Evidence reaching Washington in September of 1949 that the

USSR had exploded its first atomic bomb was followed shortly by a series of sensational atomic spy revelations and arrests in Canada, Great Britain and the United States involving the so-called "Klaus Fuchs spy ring."⁶ Sandwiched between these were other events of monumental impact: the perjury conviction of Alger Hiss on January 21, 1950; and the "Lincoln Day" speech by Senator Joseph R. McCarthy on February 9, 1950 (in which he alleged that some 205 known Communists were employed in the State Department).

The Hiss decision, according to Earl Latham, made the "political air tense with shock and suspicion," and "revolutionized" public opinion on the question of Communism in American government."⁷ The McCarthy speech caused the tension built up over the Hiss case suddenly to burst. As Latham described it:

The passion of the storm then broke loudly in an atmosphere sultry with resentment and anxiety. Although it thundered for months, it failed to bring cool air when it was done; because it did not really pass on, but merely abated.⁸

It was in such a frenetic and apprehensive atmosphere that HUAC prepared to hold its new hearings into the Remington matter.

When the FBI learned about HUAC's findings on April 5, 1950, Hoover took quick action to cover its apparent negligence. He ordered the Remington loyalty case re-opened, that McConnell and Bridgman be interviewed before HUAC held its hearings, and that the Bureau "keep

abreast, and if possible, ahead of all developments in the Remington case."⁹

HUAC's "discovery" of Bridgman and McConnell represented a second trumping of the FBI (to go along with the former's "pumpkin" papers discovery). As is evident from the apparent urgency in Hoover's memoranda, the Bureau desperately sought to save face before the developments became public. In a note of April 14, Hoover admonished: "Bureau cannot impress too strongly urgency of interviews."¹⁰ On April 17, he further urged: "This case must be given immediate, vigorous and continuous attention."¹¹

The HUAC "breakthrough" also induced the FBI to reappraise its previous Remington investigations. In its report on the Remington file entitled "The History of FBI Investigations," the Bureau called the TVA phase of its probe "the weakest." It levelled criticism against itself for its "apparent dereliction in failing to interview McConnell."¹²

The Bureau managed to interview both McConnell and Bridgman shortly before they were to testify before HUAC. Each appeared to be a reluctant witness against Remington. In his interview on April 19, McConnell told the FBI that he would not make any public statements about Remington being a Communist because he feared a libel suit due to the noteworthy fact that, as he put it, he had "no evidence to

support"¹³ his claim. Bridgman was reluctant because he feared the publicity would "jeopardize his position" as economics professor at Tufts University, and "embarrass himself personally and academically."¹⁴ He wished, therefore, to keep his identity confidential, and asserted that he would refuse to sign a statement for the FBI or appear before the Loyalty Review Board.

Shortly after their interviews, however, both McConnell and Bridgman chose to forget their qualms and furnished signed statements. Somehow McConnell, a North Carolina chicken farmer who had been arrested thirteen times, was suddenly able to come up with evidence against Remington. He told the FBI that he had had contact with Remington under two circumstances which indicated to him that he was a Communist.¹⁵ The first was when he had an occasion to criticize Remington's "rough manner of dress" as "demeanor and behavior"¹⁶ unbecoming a member of the party. This is an ironic admonition because McConnell, himself an alcoholic, was kicked out of the Party for conduct unbecoming a Communist.¹⁷ The second instance was Remington's attendance at what McConnell recalled being either a Communist Party or a "Communist fraction meeting" where a proposal was made that:

. . . the group undertake to put out a mimeographed sheet . . . or . . . publication under the imprint of a trade union local, the organization of which was being assisted by the Communist Party.¹⁸

McConnell was uncertain, however, about the exact nature of this meeting. While he remembered members of the Communist Party being present, he admitted that he "did not know whether there were non-Communists in attendance."¹⁹

Bridgman maintained that when he first joined the Knoxville Communist Party unit in the fall of 1936, Remington was already a member.²⁰ He described him as a "faithful" and "leading" member of the TVA Party branch, though he also characterized him as an "enfant terrible" who "was telling them what was wrong with the place" on the second day he was employed by the TVA. Bridgman estimated that he had attended approximately five or six meetings with him, though he could not recall any "specific activity for the party" or "anything that he said"²¹ to support the contention that Remington was a Communist.

The testimonies of Bridgman and McConnell clearly illustrate why our jurisprudence has been reluctant, as Herbert Packer puts it:

. . . to make determinations based on events which occurred so far in the past that memories have become stale and factual reconstruction difficult.²²

An examination of their accounts to the FBI and HUAC shows their versions to be so inconsistent, vague, and evidently mistake-ridden as to raise questions about their usefulness as evidence. Bridgman, for example, initially told the FBI in an April 21 interview that a woman named Mabel Abercrombie had been a member of the TVA Communist

branch. Just a week later, however, while testifying before HUAC, he told the committee that he had doubts about her having been a member of the Communist Party in Knoxville.²³

Quite confusing also were the discrepancies in their references to each other, and to their TVA "cell." McConnell claimed to have "known him [Bridgman] for many years," and said he did not believe him to be a Communist Party member.²⁴ Bridgman, on the other hand, said he only knew McConnell "slightly," and that, while he remembered him to be a member of the Party, he neither recalled him being a Communist Party organizer, nor even a member of the Knoxville branch.²⁵

Showing even more disparities are their differences about the party meetings in Knoxville. Bridgman placed Remington at five or six Communist Party meetings, all of which he claimed were held at the home of McConnell's wife.²⁶ Yet by McConnell's account, his wife was only present in Knoxville during the summer of 1937, which was the time when he claimed he established the Party unit.²⁷ It is hard to imagine, therefore, how Bridgman could not have remembered McConnell as either a Party organizer or a member of the Knoxville branch, especially since the unit, as he described it, was a small one (twelve to twenty members) that met approximately once a week.²⁸

Other details in Bridgman's account appear, in

light of the later testimony by others, to be inaccurate. He told HUAC that he "best" remembered the "early meetings" which Remington attended at Betty Malcolm's house, and that he recalled the following in attendance at these meetings: Mr. McConnell (or Malcolm as her husband was then called), Henry Hart and Pat Todd, (Remington's roommates).²⁹ Yet, since Bridgman arrived in Knoxville in the fall of 1936, and joined the Party in December of that year, early should have meant no later than the winter of 1937. Later testimony, however, revealed the following problems with this chronology: 1) Betty Malcolm did not arrive in Knoxville until some time after June 16, 1937; 2) Hart did not join the Communist Party until the summer of 1937; and 3) he (Hart) never claimed to have attended any Party meetings in Knoxville, nor to have known many other Communists in the TVA.³⁰

Bridgman also claimed that Remington was still a member of the Knoxville branch when he (Bridgman) left the area in the fall of 1937. It was to be established later, however, that Remington left Tennessee in late June, 1937.³¹

Providing insight into the limited integrity of Bridgman's testimony was his private admission to the FBI that he had "guessed" that she (Mrs. Malcolm) was "the individual at whose home some of the Communist Party meetings were held."³²

While much of Bridgman's account appeared confused, McConnell's was highly erratic, with dramatic new additions in each account. After telling the FBI of his reasons for thinking that Remington was a Communist, (attendance at a "fraction" meeting and the criticism of his "appearance" as unCommunitistic"), he modified his story the next day before HUAC by substituting a new incident for the rather nebulous "fraction meeting." He cited instead the advice given to Remington by various Communist Party members (particularly he and his wife) that he return to college because, as their argument went, ". . . the Communist Party needed educated people as well as workers."³³

In an interview with the FBI on June 5, McConnell added an additional "Communist" incident, and also attributed to Remington the fraction meeting recommendation that a mimeographed sheet be distributed.³⁴ The new "Communist" action was Remington's transportation of McConnell to a Workers Alliance meeting, the purpose of which was the recruitment of new Party members. According to McConnell, Remington was aware of and sympathetic to the trip's purpose.

While there is no evident basis for doubting the sincerity of either Bridgman or McConnell, their difficulties of factual reconstruction, as exemplified by their contradictory and rather bare accounts, certainly

raise questions about the probative value of their testimony. McConnell's tendency to add progressively more incriminating detail suggests the penchant (cited earlier in the paper) of ex-Communist witnesses to tailor their stories to satisfy the prosecuting agencies. McConnell's various accounts of the so-called "fraction" meeting show his willingness to shape the details of his story. When he first mentioned it in his April 19th FBI meeting, he defined a fraction meeting as a "meeting of a group within a trade union local, some of whom may not have been Communist Party members."³⁵ When appearing before HUAC, however, he described it as:

a small number of party members meeting from a trade-union group, the purpose of . . . [which] . . . meeting . . . [was] . . . to discuss Communist Party tactics for the members of the party in that particular trade union group.³⁶

Finally, when he ultimately testified at Remington's first trial, he maintained that the fraction meeting Remington attended was limited only to Communist Party members.³⁷

After hearing McConnell and Bridgman, HUAC subpoenaed Remington to testify on April 25, 1950. They decided by a vote of their members that his hearings would be public.

NOTES--CHAPTER 19

1. Paul Crouch, FBI Interview, May 19, 1948.
2. FBI, Remington Report, "History of FBI Investigations," n. d.
3. FBI, Memorandum, April 5, 1950.
4. Goodman, The Committee, p. 272.
5. Ibid., p. 274.
6. Cante, The Great Scare, pp. 62-68.
7. Latham, Communist Controversy, p. 270.
- 8, Ibid.
9. J. Edgar Hoover Memorandum, April 24, 1950.
10. Hoover Memorandum, April 14, 1950.
11. Hoover Memorandum, April 17, 1950.
12. FBI, "The History of FBI Investigations," May 11, 1950.
13. Kenneth McConnell, FBI Interview, April 19, 1950.
14. Howard Bridgman, FBI Interview, April 19, 1950.
15. McConnell to FBI, April 19, 1950.
16. Remington Hearings, p. 1702.
17. U.S. v. Remington, 208 F. 2d (1953).
18. McConnell, Signed Statement to FBI, April 19, 1950.
19. Ibid.
20. Bridgman, Signed Statement to FBI, April 19, 1950.
21. Remington Hearings, p. 1758.
22. Packer, Ex-Communist Witnesses, p. 8.

23. Remington Hearings, p. 1774.
24. Ibid., p. 1700.
25. Ibid., pp. 1758-1759.
26. FBI Report--"TVA Investigations," n. d.,
p. 435.
27. Remington Hearings, p. 1757.
28. Ibid., p. 1765.
29. Ibid., p. 1759.
30. Rauh to Richardson, May 6, 1950, Rauh papers.
31. Bridgman, FBI Interview, April 21, 1950.
32. Bridgman, FBI Interview, June 6, 1950.
33. Remington Hearings, p. 1703.
34. McConnell, FBI Interview, June 5, 1950.
35. McConnell, FBI Interview, April 19, 1950.
36. Remington Hearings, p. 1702.
37. U.S., FBI, Summations of First Trial, U.S. v. Remington, 191 F. 2d, January 3, 1951, p. 5 (hereinafter cited as First Trial Summations). Since the first Remington trial transcript is evidently no longer extant, the FBI's daily trial summations as well as press coverage were used as sources of information.

CHAPTER 20

HUAC'S NEW INQUIRY

Much of HUAC's inquiry was a rather sketchy review of the issues previously covered in his Senate and Loyalty Hearings. However, there was a different focus to the questioning due to the character of the new evidence. Remington's Communist Party membership, rather than espionage, became the prime concern since it was the issue on which Bentley had received some corroboration. Such corroboration opened the way for a perjury indictment.

Remington, of course, continued denying ever being a Communist Party member or knowing that any of his associates were such. He cited his extensive union activities as a possible reason for the confusion of Bridgman and McConnell:

I can understand that if there were secret Communists engaged in the activities in which I was engaged as the kid member, kid member of the group, kid member of the parties working in the union's organization there, that they might have considered me as one of their own secret clique because I was associated with them or with others whom they knew to be members of their secret clique.¹

He told of his work for the AF of L union in Knoxville (the American Federation of Government Employees) and for various union staffs, such as the Workers Education

Committee. He said he left the TVA in May, 1937 in order to devote more time to the latter committee, where he worked until the end of June of that year. His activities during these weeks included speeches, distribution of leaflets, organizing trips to several union meetings of textile workers in the area, as well as his association with the Workers Alliance in its effort to gain higher relief benefits and more WPA jobs for Knoxville workers.²

When confronted with the assertion that some of his TVA acquaintances and friends had been Communists, he simply responded that they had "never said anything or done anything"³ which had made him feel they were Communists. Remington recalled Bridgman as a fellow messenger with whom he was associated "in several union committees, although not very closely."⁴ He also claimed to have seen him "on one or two social occasions" which had "grown out of AF of L activities."⁵ He did not recall meeting Betty Malcolm, at whose house Bridgman alleged Remington attended Communist Party meetings. While he did allow that he might "have seen her just in passing,"⁶ he was sure that he had not visited her home. Remington also claimed he could not remember meeting Kenneth McConnell (Betty Malcolm's husband), and denied ever having been advised by anybody to return to college. By his account he had "left Dartmouth . . . with a firm plan to return,"⁷ and that this intention was proved by a visit with the Dean of Dartmouth College in

the spring of 1937 to finalize his arrangements for going back to college.

While the questioning concerning his association with Bentley did not probe any new angles, Remington's defense strategy did change in several respects. For one, he abandoned his tactic of praising Bentley and became, instead, critical of her, at least to the extent of calling her a headline hunter. Another major adjustment, stemming perhaps from the fact that the hearings were public, was his refusal to discuss his wife's "communist philosophy." He cited his two children as the reasons for his reluctance to discuss his wife's politics. Of course, he was also probably seeking to avoid offending his ex-wife, since their divorce had made her liable for a grand jury subpoena.

HUAC also summoned Elizabeth Bentley to testify, even though she knew nothing about Remington's TVA activities, and had little new to add to her previous testimony. Her appearance seemed designed to serve two apparent purposes: one, to repeat her charge of Remington's Communist Party membership; and second, to revive her credibility vis-a-vis Remington.

One of the first orders of business at her hearing was to give her the opportunity to present her version of the libel settlement. Almost as if by pre-arrangement, Bentley was asked if she had had any part in the libel

agreement. She came equipped with a letter from her attorney on the subject, and told the committee that there had been no retraction on her part.⁹ She also stated that Coudert Brothers, the attorneys for the libel insurance carrier, had agreed to the settlement for practical economic reasons, and that the settlement had been without the consent and against the wishes of she and her lawyer.

Bentley reiterated the bases for her belief that Remington was a Communist Party member: his behavior and Golos' research into the matter. The former included the payment of what she understood to be Communist Party dues, as well as "the way he talked to"¹⁰ Bernard Redmont on the several occasions when she met with both of them.

An element in Bentley's story which was noticeably more explicit was her description of Mrs. Remington's presence at the Washington meetings with her husband. Bentley's previous mention about Mrs. Remington's presence had been subsumed in a statement about her knowledge of the latter's Communist Party membership. At the HUAC hearings, on the other hand, she said:

I saw her . . . [Mrs. Remington] . . . , I think, roughly, four times, at most. It was during gas rationing, and it was hard for her to get in. They had a child. But I brought her Communist Party literature. I remember one time she said she didn't like what I brought, why didn't I bring her some decent stuff.¹¹

As to the question of Mrs. Remington's party membership, Bentley added further details, stating that

Golos told her, before she had met the Remington's, that Mrs. Remington was a Communist. She said that it had been her impression that Mrs. Remington "was a much better developed Communist than he was" in the sense that "her comprehension and feeling for communism was much better than his."¹²

There could be no mistaking or overlooking here (as there had been at her Senate appearance) Bentley's declaration of Mrs. Remington's presence. There could also have been little doubt, from that point on, that Remington's wife would figure prominently in any future action in the case.

Bentley again showed her desire to be a co-operative witness, emphasizing for HUAC the negative details and omitting elements that might have undercut her accusations. In her account of the "garbage" formula (the formula for making synthetic rubber out of garbage), there was once again no allusion to her earlier appraisal that it was worthless. On the contrary, she continued to convey the impression that it was a significant contribution, telling the committee how much the Russians had been interested in getting such a process, and how Golos had told her that the Russians were so "hard pressed by the war that they were needing substitutes for things they could not get."¹³

Her HUAC testimony casts additional doubt about

both her knowledge of, and her ability to appraise, the confidentiality of the information she received from contacts. For example, in responding to a question about the information Bernard Redmont gave her, she said:

He did have some material; I don't know that it was secret or confidential, but it was kept from the general public, (and we decided to take him on).¹⁴

Further uncertainty seems evident in her reply to a question about whether Remington had ever given her any documents. In response to this question, she replied:

I recall there were some, and I believe they were statistics on airplane production, but I couldn't be sure with the amount of material I was handling then.¹⁵

Despite the overall weaknesses in the testimonies of Bridgman and McConnell, Remington was clearly in trouble again because his case had been revived (albeit faintly) during an intensely anti-Communist time. Helping to salvage the case was the fact that an issue had finally been found on which Bentley might be supported--Remington's alleged Communist Party membership. Furthermore, as a result of Bentley's more detailed testimony about Mrs. Remington, there opened up the possibility of still further corroboration in the wake of the Remington divorce.

What was perhaps most damaging about the new TVA testimony was its cumulative effect. It added several more circumstantially suspect situations to the case. It thus became all the more difficult to give easy credence to

Remington's denial of awareness of Communist membership or activity among his TVA friends. Since he came to Knoxville as a professed radical (he would later admit to calling himself a communist at the time), it became all the harder to imagine that he could have been unaware that one of his roommates (Pat Todd) had been an area organizer for the Party; or that some of his other acquaintances, a number of whom would later admit to Party membership, were similarly involved. While such a lack of awareness was certainly possible, his credibility became taxed when these "blind spots" were joined to other various misperceptions about such matters as Bentley's function and identity; the money and information given to her; and his wife's presence at the meetings.

Reaction to the HUAC hearings ranged from the highly critical to the strongly supportive. The Nation declared there was "no single episode more shoddy," in "all the sordid Communist-chasing," than the re-opening of the Remington case. The Nation added that it was "time for someone high in the government to stand up and say that it does not matter a tinker's damn whether or not he . . . [Remington] . . . was a Communist thirteen years ago." The Time defended the hearings and, as if responding directly to the Nation, argued: "Nobody worried much at this stage whether he [Remington] was a Communist at age three or eighteen. The question that haunted the committee was

whether he, at age 32, . . . had committed perjury."17

NOTES--CHAPTER 20

1. Remington Hearings, p. 1813.
2. Ibid., p. 1801.
3. Ibid., p. 1793.
4. Ibid., p. 1787.
5. Ibid., p. 1788.
6. Ibid., p. 1792.
7. Ibid., p. 1813.
8. Ibid., p. 1847.
9. Ibid., pp. 1849-1852.
10. Ibid., p. 1863.
11. Ibid., p. 1860.
12. Ibid.
13. Ibid., p. 1859.
14. Ibid., p. 1856.
15. Ibid.
16. Editorial, The Nation, May 13, 1950, p. 2.
17. Time, May 15, 1950, p. 20.

CHAPTER 21

ANN REMINGTON AND THE GRAND JURY

As a result of the McConnell-Bridgman testimonies, both HUAC and Remington's superior, Secretary of Commerce Charles Sawyer, publicly appealed to the Loyalty Review Board to re-open the Remington case.¹ As mentioned earlier, the FBI had already renewed its investigation after discovering that it had failed to interview Bridgman and McConnell. This second FBI investigation, which the Bureau described as consisting of "many, many additional interviews," turned up "little new information of a substantive nature."² The Bureau, however, described the McConnell-Bridgman accounts as adding "substantial corroborative information" to the impression that Remington was "closely affiliated with the Communist Party"³ while in Knoxville. Yet, when the new TVA information was presented to the two tribunals with jurisdiction--the Loyalty Review Board and a Washington federal grand jury--the results were negligible.

The grand jury, before which Remington appeared on May 3, 1950, voted no indictment. The Loyalty Review Board felt the new findings failed to warrant a re-opening of the

case, primarily because of the fact that, as Chairman Richardson put it, they were unrelated "to activities subsequent to the Bentley episode."⁴ His reasoning, which appeared a bit narrow-minded, was that the period following the Bentley incident was the only time relevant to Remington's loyalty. In an analysis of the original decision, Richardson argued again that it had been based essentially on the belief that:

. . . regardless of Remington's status up to and including the Bentley incident, . . . the complete lack of any testimony showing any questionable conduct on the part of Remington subsequent to the Bentley contact, and the full support given to Remington by all of his employing heads thereafter, . . . [was what] . . . convinced the panel that Remington was not disloyal at the time of the hearing.⁵

Thus, Remington had seemingly managed to survive unscathed his third FBI probe, his second Congressional hearing, and his second grand jury investigation. Yet the Justice Department made one more effort to get Remington indicted. The second of two special grand juries convened in New York to study subversive activities had already made arrangements to hear evidence in the case.

Several aspects of this grand jury proceeding worked against Remington. For one thing, Bentley had had professional relationships with two men prominently on the prosecution side: Thomas J. Donegan, the Special Assistant to the Attorney General, who was the prosecuting attorney at the grand jury session, and John J. Brunini, the foreman

of the grand jury. Secondly, the former Mrs. Remington was finally subpoenaed to testify.

Bentley's earlier ties to Donegan, and more particularly, her on-going business relationship with Brunini, made this grand jury proceeding one of the more controversial issues of the case. Donegan had been Bentley's personal attorney in 1947, assisting her, ironically enough, in recovering \$7200 from her spy "cover" job with United States Service and Shipping Co.⁶

The Bentley-Brunini relationship was even more compromising and complex. Brunini was an official of the Catholic Poetry Society and a writer-editor quite active in Catholic circles.

Brunini had met Bentley in February, 1949, when she came to New York looking for work. He had been urged by Lady Armstrong, an active lay figure in Catholic Charities, to help her find work. Brunini responded by aiding Bentley with her book about her Communist activities. It was through Brunini's intercession that she obtained her contract with the publisher, Devin-Adair. Unbeknownst to anyone in the Justice Department, Brunini had been--before, during, and after this grand jury proceeding--closely involved with Bentley in the editing and publication of her book.⁷ His work consisted of general editorial work, proofreading, "reading for grammatical set-up and for any libelous statements," and, as Bentley

would later put it, general "morale and editorial support."⁹ For his services, it was originally agreed, and written into contract, that Brunini would receive a percentage of the royalties.⁹ This contract was later destroyed and superseded by one which, while not mentioning Brunini by name, did provide for his compensation. Ultimately, Brunini decided not to take any money, though such a choice was made well after the third Remington grand jury investigation had ended.¹⁰ Thus, through his role in the writing, publication, and prospective remuneration of the Bentley book, Brunini was tied about as closely to Bentley's fortunes as anyone could be. It is, therefore, hard to imagine anyone more biased or unqualified as a grand jury foreman than Brunini.

What made Brunini's position so prejudicial to Remington was the obvious connection between the success of Bentley's book (and therefore the size of Brunini's potential fee), and the outcome of Remington's grand jury proceeding. The notoriety gained from an indictment and trial would provide a needed boost to Bentley's sagging public credibility, and thus would help book sales. On the other hand, another failure in this test case of Bentley's story could have been disastrous to the fortunes of the book project. The Bentley connections with Donegan and Brunini thus clearly represented an extremely partial grand jury situation.

Adding to Remington's woes was his February, 1950 divorce, which opened the way for Mrs. Remington's debut before a grand jury. As pointed out earlier, the law stated that a wife could not be compelled to testify against a husband, but that, once divorced she could be made to testify to events not strictly private during her marriage, i.e., events or activities at which a third party was present. The several Bentley meetings at which Mrs. Remington was allegedly present clearly fell into this latter category.

Mrs. Remington was thus, on the basis of Bentley's testimony, potentially one of the most important witnesses in the case. She was also a key to any possible grand jury indictment for perjury, either on the issue of espionage or Communist Party membership.

When Ann Remington consulted her lawyer, Carl Berueffy, about her prospective grand jury appearance, he reportedly told her that it was her privilege not to testify, and advised her that it might be in her best interests to use that privilege and avoid risking the loss of her alimony. Her reported response was that she had no material that would be damaging to her ex-husband; that she knew nothing about Remington's TVA activities, since they were married several years afterward; and that, while she had been involved with Communists at Columbia, neither she nor her husband had had anything to do with them in

Washington.¹¹

Berueffy told Rauh that he had cautioned Mrs. Remington against testifying because of his recollection of her statement during the divorce proceedings that "she could always fix Remington by saying he was a Communist."¹² When he asked her whether her husband had ever been one, she reportedly replied, "Oh no, but I could always say he had been one."¹³

Nonetheless, when summoned before the grand jury on May 16, 1950, Mrs. Remington supported her ex-husband's story, except for a few significant contradictions. She denied that either of them had ever been members of the Communist Party. She insisted that while they had both been highly sympathetic to Communist principles and causes, that they had never been more than fellow travelers. Among the various reasons she gave for their failure to join were the following: an inability to tolerate Marxism; disillusionment over the Russian invasion of Finland and the Russo-Nazi pact; and the dogmatism of the party members they had met.¹⁴

She also backed him up, for the most part, on his version of the Bentley relationship. She affirmed the fact that they had given money to the Joint Anti-Fascist Refugee Committee. She denied that they knew Bentley was affiliated with any particular Communist group. She also maintained that, while she was willing to believe that

Bentley was spying, she was sure that her ex-husband had not "knowingly given her information, knowing who she was."¹⁶

There were, however, two important issues on which she, apparently inadvertently, contradicted her ex-husband: that she had attended several of the Bentley meetings in Washington; and that they (she and Remington) had known Golos was a member of the Communist Party.¹⁶ These differences, coupled with intermittent breakdowns in the integrity of her corroboration, caused the grand jury pressure, which had been significant from the beginning, to escalate sharply.

Mrs. Remington's initial lapse came in a rather off-handed remark, but it nonetheless represented a turning point in her testimony. After a series of questions concerning Bentley, she declared:

I would like to point out that I'm a very reluctant witness because if Remington is convicted, I'm going to be flat, without support. I think it is very unfair . . . to get me to say things which will convict him.¹⁷

An obvious inference from this statement, and one which the grand jurors quickly drew, was that Mrs. Remington had information damaging to her husband. Why else, one might reason, was there concern that she might contribute to his conviction. The implications of her comment were startling, following as they did upon her repeated insistence that Remington was innocent of the

Bentley accusations.

Even more suggestive of hidden truths were two further comments which followed shortly thereafter. One was a somewhat ambiguous declaration, uttered during a discussion of the "truth" of the matters at hand, that: "Truth is many-sided, and I can tell the truth."¹⁸ Her other remark was also, under the circumstances, quite cryptic. She told the grand jury that she did not think they could "get Remington to tell the truth."¹⁹

Such seemingly inadvertent allusions tantalized the grand jury, and increased its inquisitorial intensity. Donegan, for example, told Mrs. Remington that nobody could ever convince him "that Remington was not a Communist at the time he was in touch with Bentley."²⁰ Brunini, in turn, told her that it was "unrealistic" to expect Remington to keep his job, "irrespective of what testimony"²¹ she gave. In a speech in which he presumed to speak for the entire grand jury, he inveighed against Remington's credibility, saying:

. . . he's chosen . . . as we see it, to invent as he went along, to cover up every type of circumstance he thought might be brought out in question.²²

The pressure angle thus used by both Donegan and Brunini was that Remington's guilt was a fait accompli. The purpose of this strategy was obviously to remove the burden of proof from Mrs. Remington, thereby increasing her willingness to talk. Another pressure tactic was to try to

elicit any anger she may have felt toward her ex-husband. They first informed her that he had tried to make she and her mother "villainesses" by blaming them for his "communist involvement."²³ Foreman Brunini also tried goading her with the fact that Remington had not kept up with his alimony payments.²⁴

There were also occasional efforts at flattery, with Donegan calling her "a pretty honest-minded thinker" who, "judging by . . . [her] . . . character," would co-operate with the grand jury.²⁵

The bulk of the pressure, however, consisted of lengthy harangues on her duty to tell the truth. Allusions were made to an "internal" Communist conspiracy to which the Remington case was tied. Brunini said:

We [the grand jury] . . . have had one of the most important insights into what is going on in this country. There are conditions which definitely must be corrected and they are only, unfortunately, going to be corrected by following up of the type of case that we are immediately interested in now.²⁶

Another anti-Communist lecture by Brunini contained the association with the Hiss case:

. . . we may also have been betrayed internally by Communists. That is extraordinarily important, as I see it, for the American people to find out, and if you have to demonstrate it, as was done with the conviction of Hiss, you are giving a clearer picture to people so they know how to act in these matters. . . . But we have to get the American people awakened to this particular danger because if we don't, we're going to go under.²⁷

Brunini added that her husband had become "an

extraordinarily important person" in the overall "picture" because "he's chosen to talk, and . . . invent" his story. While it is somewhat unclear what Brunini had in mind here, a later discussion suggests that what he found especially significant about Remington's testimony was its adverse effect on his protégé Bentley.

In the following speech, evidently more addressed to the other grand jurors than to Mrs. Remington, he sought to rehabilitate Bentley, while labeling as "smearers" those (like Remington) who "talked" and "contradicted" ex-Communists:

I think, of course, that we have had certain of these ex-Communists who have come forward, they have been smeared . . . --the country's been told that their evidence is false, because there are many people who are interested in seeing it doesn't come out--it involves too many people. Now these people are making a retribution for, let's say their offenses, their misjudgment, their indiscretions, and their foolishness, and I think eventually when the whole story is told, that the public opinion of these people will be very favorable. 22

Finally, an effort was also made to ease Mrs. Remington's possible qualms about informing on the father of her children. Once again Brunini applied the pressure:

Don't you think, Mrs. Remington, that later, facing your children, it would be a happier situation if you could say to them 'Yes, unfortunately your father was thus and so,' to give them the example, on the other hand, of what you had been to counterbalance it. They're not going to be proud of their father, but you can make them proud of their mother. 30

Such intense "ex parte" interrogation lasted nearly four hours, and, while Ann Remington generally

managed to withstand her examiners, she did show signs of succumbing to the pressure. She also began to plead for a postponement of the hearing, citing her hunger and her physical exhaustion. Professing to be "much tired and worn,"³¹ she told the jury:

I am getting fuzzy. I haven't eaten since a long time ago, and I don't think I am going to be very coherent from now on. I would like to postpone the hearings. . . . I want to consult my lawyers and see how deep I am getting in.³²

She was denied her request, and the questioning continued until she ultimately refused to answer--pleading that she was "tired" and "would like to get something to eat. . . . Is this the third degree, waiting until I get hungry now?"³³

Shortly thereafter Donegan and Brunini increased the pressure appreciably, and it proved to be the "coup de grace." Donegan had asked about whether the money given to Bentley was for the Communist Party.

Mr. Donegan: Well, do we have to go through all this background? We are right down to the issue right now. After all this time we have just reached the question now. Why not answer that question, and then we'll postpone it for another day? If you answer that question, we'll postpone it for another day. That isn't going to involve you is it? It couldn't involve you. All you have to do is say yes or no as to whether that money was for the Communist Party. And your yes or no isn't going to decide the issue, I'll tell you that; if something else that exists. You know that I wouldn't ask you questions--you can't accuse me of fishing in here. I haven't learned anything yet.

Mrs. Remington: Well, I don't want to answer.

The Foreman: Mrs. Remington, I think that we have

been very kind and considerate. We haven't raised our voices and we haven't shown our teeth, have we? Maybe you don't know about our teeth! A witness before a Grand Jury hasn't the privilege of refusing to answer a question. . . . We haven't told you that so far. You have been asked a question. You must answer it. If a witness doesn't answer a question, the Grand Jury has rather unusual powers along that line. We are, to a certain extent, what you might call a judicial body. We can't act, ourselves. Our procedure is, when we get a witness who is contemptuous, who refuses to answer questions, to take them before a judge. Now at that point there will be a private proceeding. He will instruct the witness to answer the question. Then we come back here and put the question again. If the witness refuses to answer the question, we take him back to Court, and the Judge will find him in contempt of Court and sentence him to jail until he has purged himself. 'Purging' in that case, is answering the question. Now, I have already pointed out to you that you have a question from the Special Assistant to the Attorney General: Did your husband or did he not give this money to the Communist Party? You have no privilege to refuse to answer the question. I don't want at this time to--I said 'showing teeth.' I don't want them to bite you. But I do want you to know that. And remember, you have a very sympathetic body here. We want to avoid anything like that. I didn't mention, of course, the second proceeding before a jury is, of course, a public hearing. And I mention that to you in fairness because I do know that you have a certain grave concern about what your obligations are, and I think in fairness to you we should tell you that. And in view of the time and, I think, the empty stomachs of all the jurors--I know mine is very empty--I think we can very quickly dispose of things if you will just proceed now. I think you have in your heart answered the questions as to what your procedure should be. (To Mr. Donegan) Do you want to put the question Again? Can you find that question, Mr. Reporter?

Mrs. Remington: My answer is yes.³⁴

With that startling admission, the grand jury held a brief recess, after which Mrs. Remington agreed to return for further questioning, saying, "If I go a little way, I might as well go all the way. . . ."³⁵

She then proceeded to change her story dramatically. She told the jury that the interest she and her husband had in communism had gone beyond mere "sympathy."³⁶ She said that the Bentley relationship had been initiated because they had wanted a "safe way of keeping in contact with the Party without getting into local groups," and because "they wanted to help"³⁷ the Party. She added that their friend, Bernard Redmont, had also wanted a contact arrangement that would obviate the need to work through local groups. She told how they had paid dues as Party members, though she added that "they did not particularly want him [Remington] to." As for the question of whether they had intended espionage, Mrs. Remington twice replied that they had had "no idea of what they were getting into," and that it had "not dawned on them that they were anything more than Communist Party members."³⁸ She did, however, acknowledge that there had been an interchange of information involving, according to her, a "secret formula"³⁹ about which her husband had been excited.

Her portrayal of her husband was not entirely negative. She described him as an "idealist," and believed that he had not been a Communist sympathizer for several years, crediting the Navy with changing his ideas. She called him "not a villain" but a "liar,"⁴⁰ and said that he had avoided telling the truth because of fears he would be

thrown out of government due to statements on government application forms denying Communist Party membership. Interestingly, she did not allude to any concern about espionage, suggesting possibly either that they did not feel they had committed such an act, or that she lacked an awareness of the repercussions of their actions.

In any case, serious legal questions were certainly to be raised about the manner in which Mrs. Remington was induced to reverse her testimony. Also to be questioned were the prosecutorial roles of literary agent Brunini and former attorney Donegan.

Some who later reviewed the interrogation found it so unsavory as to produce a faulty indictment. Appeals Judge Learned Hand, for example, voiced this view in his 1953 dissenting opinion (in Remington's second appeal) arguing that the indictment had been procured by "oppression and deceit."⁴¹ If such "unlawful means . . . had been disclosed," Judge Hand said, "they would have resulted in a dismissal of the indictment."⁴² The interrogation had gone "beyond the tolerable limits of legitimate pressure,"⁴³ and in an elaboration of how it had been excessive, he explained:

. . . the examination was ex parte and without the presence and control of a judge or any other impartial official, to pass upon objections made by an opposite party, or to intervene ex proprio motu to protect the witness. Save for torture, it would be hard to find a more effective tool of tyranny than the power of unlimited and unchecked ex parte examination.⁴⁴

The deceit, according to Hand, occurred when Brunini falsely denied Ann Remington's right to silence concerning "privileged communications."⁴⁶ Hand believed Donegan was equally at fault in this instance for having given his implicit imprimatur (through his silence) to this deceit. While Brunini, as a layman, may not have realized his point was false, Donegan, the lawyer, was there and failed to correct the mistake. For Hand this aspect of the interrogation was so important because, as he put it, "a very large part of Ann Remington's testimony consisted of confidential communications from him to her"; and because it played so "important a part"⁴⁷ in the final result, i.e., the reversal of her testimony.

Judge Hand also pointed out that the legal notion that evidence forced from a witness should be considered void, originally "depended or was said to depend, upon the likelihood that it might be false."⁴⁷

Even the Justice Department found the grand jury episode "distasteful,"⁴⁸ and later sought to escape the risk of a possible quashal of the indictment by an appeal (unsuccessful) to the Supreme Court for its withdrawal.

Whether her first or second version of the Remington story was more accurate is a question whose answer will perhaps never be known. Yet certain aspects of Mrs. Remington's revised testimony make it difficult for one to dismiss its credibility. Those elements include the

ease with which her story unfolded; the minuteness of its detail; and the fact that she also informed on others.

NOTES--CHAPTER 21

1. New York Times, May 16, 1950, p. 8.
2. FBI, "History of Remington Investigations," May 10, 1950, p. 4.
3. Ibid.
4. Richardson Memorandum, June 14, 1950.
5. Ibid.
6. Brief for Appellant, U.S. v. Remington, United States Court of Appeals, p. 85, 1951 (hereinafter cited as First Remington Appeals Brief).
7. Thomas G. Donegan to FBI, October 18, 1950.
8. John G. Brunini to FBI, October 16, 1950.
9. First Remington Appeals Brief, p. 83.
10. Brunini to FBI (undated).
11. Memorandum of Rauh, October 18, 1950.
12. Ibid., p. 2.
13. Ibid.
14. A. Remington, Grand Jury Minutes (excerpted), May 16, 1950, and June 2, 1950, pp. 7747-7760, Rauh papers.
15. Ibid., p. 7767.
16. John Tabor to Rauh, June 27, 1953.
17. A. Remington, Grand Jury Minutes, p. 7795.
18. Ibid., p. 7795.
19. Tabor to Rauh.
20. A. Remington, Grand Jury Minutes, p. 7784.
21. Ibid., pp. 7797-7798.
22. Ibid.

23. Ibid., pp. 7806-7808.
24. Ibid., pp. 7775-7776.
25. Ibid., p. 7795.
26. Ibid., p. 7807.
27. Ibid., p. 7808.
28. Ibid., p. 7806.
29. Ibid., p. 7808.
30. Ibid., p. 7810.
31. Petition for Writ of Certiorari to United States Court of Appeals for the 2nd Circuit, October Term, 1953, p. 52 (hereinafter cited as Petition for Writ of Certiorari), Rauh papers.
32. A. Remington, Grand Jury Minutes, p. 7820.
33. Petition for Writ of Certiorari, p. 52.
34. A. Remington, Grand Jury Minutes, pp. 7826-7830.
35. Ibid., p. 7838.
36. Tabor to Rauh, Summarizing Grand Jury Testimony of A. Remington, June 27, 1953.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid.
41. Petition for Writ of Certiorari, p. 56.
42. Ibid., p. 58.
43. Ibid., p. 56.
44. Ibid., p. 54.
45. Ibid., p. 53.
46. Ibid., p. 55.

47. Ibid., p. 54.

48. FBI Memorandum, October 31, 1950.

CHAPTER 22

ANN REMINGTON AND THE FBI

In the days following her grand jury appearance, Ann Remington was questioned extensively by the FBI and again by the grand jury. She told her story with remarkable facility and detail. In her various accounts, she presented a summary of her relationship with Remington, their common interest in communism, and its culmination in an involvement with Bentley.

She spoke of meeting Remington in the spring of 1937, at a time when they had both become interested in Communism. She told how he had mentioned joining the Communist Party briefly while in Knoxville and leaving it upon his return to Dartmouth. She herself had, as early as 1936, already attended party meetings in Croton, New York. After a brief courtship, they were secretly married. With Remington at Dartmouth while she was in graduate school at Columbia, they spent the first year of their marriage apart. At Columbia she attended "secret Communist Party meetings," but ultimately found their radical, theoretical discussions so "distasteful" and "unreasoning" that she became a kind of elitist Communist "seeking association

with Party members only on an independent and high-level" basis. As a result she switched to a Communist Party group in her hometown of Croton and attended Party meetings there.

The following year (1939-40), the Remingtons lived together in New York while Remington pursued a Ph.D. in economics at Columbia. She portrayed herself and her husband as maverick Communists during the next several years (the first two in New York and the third in Washington). While they "maintained their enthusiasm for communism" and were in "sympathy to its theory,"³ they were "severely critical of the rank and file of the Communist organization."⁴ During all the years they were together as a married couple (1939-1949), they had never received a party card, attended any Party meetings, or formally joined the Party. On the other hand, they "considered themselves Communists and thought and talked as if they were."⁵ Thus, by her account, while their attachment to Communism was quite real, it was essentially ideological and unofficial.

What somewhat confuses the picture of their Communist affiliation was Ann Remington's contention that they paid Bentley Communist Party dues.⁶ Her description of these payments was well-detailed, but somewhat enigmatic. She told the FBI she herself paid Bentley the dues at the two meetings she attended because she handled the family finances. She told of paying \$20 on the first visit, and

\$30 at the next one, with the payments supposedly corresponding to the Party's prescribed policy of dues representing 10% of one's salary. Adding authenticity to her story was her recollection of various details about these payments, such as Remington's effort to prevent Bentley from learning of his raises (in the hope of paying her less), and her increasing her husband's weekly allowance on the occasions she knew he was going to meet with Bentley.

The payment of these dues, however, runs counter to her declared lack of formal party membership. When asked why she did not receive receipts for her dues she replied: ". . . it was not that sort of dues at all. We didn't have to pay, and nothing would have happened. We just chose to pay."⁷ Indeed, she added that the party had not particularly wanted them to make payments. She described the payment as more her own project, saying that her husband "would have been glad to forget the money; it was my idea; I brought it up."⁸

Their quasi-attachment to Communism thus seemed to take on the rather unorthodox, self-styled character Mrs. Remington chose to give it, i.e., one of exclusivity and intermittent adherence to party rules.

Her portrayal of their Bentley relationship suggests that it also occupied a somewhat grey area. On the one hand, she testified to a certain innocence in the

relationship, saying, as previously noted, that "it had never dawned on them that they were anything more than Communist Party members."⁹ Various other aspects of her testimony reinforced this impression. For example, she described the information they sought to give Russia as data that that country would have eventually received through "official channels."¹⁰ This would seem to imply that it was non-confidential.

Mrs. Remington further suggested an apparent innocuousness in the Bentley relationship by her discussion of how it came about. Their meetings with Bentley, she said, were to replace their contacts with Joseph North. The meetings with North had taken place approximately once a month during 1940-1941, either in Washington or Croton, with North bringing them party literature and information; no dues were paid.¹¹ In 1941-1942, however, when the Remington's moved to a Washington suburb (Takoma), they lost touch with North. According to Mrs. Remington the Bentley meetings evolved out of their feeling a ". . . need for closer contact with the Party . . . [and] . . . --a high level contact in order to--to get Party directives. . . .¹² A new dimension, however, was added to this arrangement, namely that her husband was to provide information which they felt would be of aid to the Party and Russia.¹³

Thus, what Mrs. Remington first described as an arrangement of somewhat innocent origins, seemed to

develop, according to her later testimony, into something more serious. After having told the grand jury that the "reality" of their actions "had never really dawned on them," she later told the FBI that Remington became "more aware of what he was doing and was afraid of being caught."¹⁴ She thus implied that he had a sense of wrong-doing. She went on to corroborate Bentley's characterization of his cautious behavior, describing her husband as being "very careful to paraphrase"¹⁵ the data he furnished Bentley for fear it would be traced to him.

She provided more detailed insight into the clandestine Bentley arrangements by telling of two inadvertent intrusions into their Bentley set-up. One was a request by a New Masses writer, Bruce Minton, that Mrs. Remington "dig up news bits and items on liberal and left wing groups in Washington." According to her, both Remington and Bentley were against this "because they did not want to focus any attention on . . . (them)."¹⁶

The other incident involved a supposed friend of Mr. Remington, Kay Shriver (allegedly the one who recruited him into the Communist Party in Knoxville) who "took it upon herself" to complain to Communist Party headquarters that Remington "should not be allowed to do nothing."¹⁷ When Remington heard of this, according to his wife, he became frightened lest his Bentley liason be "exposed unwittingly by her interest in his activities." He

therefore approached Shriver, telling her it was expedient to "discontinue their contacts in the interests of protecting his government position."¹⁸

While it is difficult to assess the extent to which Mrs. Remington's hostility toward her husband affected her testimony, she did confide to the FBI that his recommendation about getting her psychiatrist to declare her mentally incompetent to testify, made her "less well disposed toward him."¹⁹ Her bitterness also occasionally burst forth in negative comments. She noted, for example, what she called the "smallness of his character." As an example of this, she cited his breaking Columbia's scholarship rules by maintaining a government job while obtaining school funds. She added that he had "always been very devious in his dealings with people," and that he was "good material for the Communist Party" because he "got satisfaction in putting something over on people . . . [and] . . . enjoyed conspiracy."²⁰

She tapped perhaps the depths of her bitterness when describing what she called Remington's "extreme self-interest."

Remington's mentality and make-up were such that his own self-interest was the paramount consideration at all times. He was obsessed with the idea that he was never wrong, and would make any decision, do anything that would serve his own personal interests best. In fact, he would sell the country down the river if it was for his personal benefit.²¹

While Mrs. Remington's story is impressive in

outline and detail, it is nonetheless ambiguous and contradictory about the two issues of crucial importance to her husband's case: Communist Party membership and espionage. The communist affiliation she described was so informal as to barely qualify as any kind of official membership. Her account of what they were intending or doing with Bentley seemed even more ambiguous.

Acknowledging, on the one hand, that the information for Bentley was to be that which any foreign country would get via "official channels,"²² and that they were never aware of being more than Communists, she went on to contradict this contention by asserting that a goal in setting up the Bentley association was to furnish confidential information, and that her husband was "excited"²³ about the secret rubber formula to which he gained access. Yet even after such assertions, she undercut these espionage insinuations somewhat by stating that ". . . aside from perjury and false statements concerning his interests and activities, he had served the best interests of the United States in his jobs."²⁴ As for a fate she felt was appropriate for Remington, she told the FBI she thought he "should be dismissed from his job and probably convicted"²⁵--though it is unclear of what she finds him guilty.

With his wife's testimony, forced though it was, complementing Bentley's story in many respects, Remington's

indictment became virtually guaranteed. Since there were obvious ambiguities in the espionage accounts of the two women, as well as a lack of documentary evidence thereof, the government opted for the perjury "vehicle" used against Alger Hiss. In Remington's case, the charge selected was the one which seemed to have the most general corroboration, namely, his membership in the Communist Party. On June 8, 1950, Remington was thus indicted (unanimously) on the charge that he had lied in denying he had ever been a member of the Communist Party.

NOTES--CHAPTER 22

1. A. Remington, FBI Interview, May 26, 1950.
2. Ibid.
3. A. Remington, Statement for FBI, May 17, 1950.
4. A. Remington, FBI Interview, July 20, 1950.
5. Ibid.
6. A. Remington, Statement for FBI, May 26, 1950.
7. A. Remington, Grand Jury Minutes, p. 8529.
8. Ibid., p. 8516.
9. Ibid., p. 7835.
10. U.S. v. Remington, 208 F. 2d 165.
11. A. Remington, Statement for FBI, May 26, 1950.
12. Ibid.
13. A. Remington, Grand Jury Minutes, p. 7834.
14. A. Remington, Statement for FBI, May 26, 1950.
15. Ibid.
16. Ibid.
17. A. Remington, FBI Interview, June 15, 1950.
18. Ibid.
19. A. Remington, Statement for FBI, May 26, 1950.
20. Ibid.
21. Ibid.
22. Ibid.
23. A. Remington, FBI Interview, n. d.
24. A. Remington, Statement for FBI, May 26, 1950.
25. Ibid.

CHAPTER 23

INDICTMENT "FALLOUT"

Even before the indictment, the Senate subcommittee on Interstate and Foreign Commerce threatened Remington's boss, Secretary of Commerce Charles Sawyer, with a complete investigation of his department "unless he fired the 'Reds' he was harboring."¹ Sawyer thereupon demanded Remington's resignation. The threatened investigation would have probed the accusation that Michael Lee, another employee fired by Sawyer, had delayed shipments to Chinese Nationalist troops prior to the loss of mainland China to the Communists.²

For the public record, Sawyer charged Remington with inefficiency and denied that the move was "intended to reflect in any way on . . . [his] . . . loyalty."³ Remington's "continued employment in the Department," Sawyer declared, ". . . [was made] . . . administratively unfeasible and actually detrimental to the efficiency of the Department."⁴ In a private letter to Remington, Sawyer was more specific about the root of this "inefficiency," citing the "excessive amount of time and effort which Remington had had to devote to the handling of . . . [his]

. . . personal situation."6

Remington's dismissal and subsequent indictment came in the midst of what Time described as "Washington's noisy, tortured wrestling with the questions of loyalty and Communism."6 It also marked a low point in the status of the President's Loyalty Program with his dismissal, despite a loyalty clearance, showing the essential negligibility of the program.

His indictment naturally provoked heavy criticism of the Loyalty Program and its senior officials. Many attacks conveyed implicit pre-judgments of Remington's guilt. Frank Carlson, Governor of Kansas, viciously attacked Harry W. Colmery, his opponent for the Senate seat of that state. Carlson accused Colmery of involvement in a "white-washing for political reasons in order to mask or ignore mistakes of top Democratic officials." Carlson pledged to "do everything in . . . [his] . . . power to rid . . . [the] . . . government of Communist spies and sympathizers and to eliminate the 'reds' and the 'pinks' and the 'fellow travelers.'"7

Senator Homer Ferguson reacted to the Remington indictment with a rambling and emotional speech that touched on Alger Hiss and Korea, and assumed credit for his Committee's foresight and vigilance on the Communist issue:

We must be alerted. We are now at war with Communism. It is not a cold war; it is a hot war with communism.

. . . Every member of the Committee knew that a few months before the war, we were being penetrated by these very people [Communists]. . . . Do the Senators remember what we asked Mr. Hiss when he was examined, and how he and Remington were examined? Mr. Remington is under indictment for lying to a grand jury in New York as to whether he was ever a Communist. No, Mr. President, we must alert all our public officials to this which is happening in America for its bearing on what is now happening in Korea.*

Senator Karl Mundt, in the midst of another Senate loyalty investigation concerning State Department employees, made the most irresponsible charges of all. He implied not only that the Remington indictment charge of Communist Party membership had been verified, but also that Remington had set up a Party unit in the Department of Commerce.⁹ Mundt further suggested the possibility, without any supporting evidence, that Remington had subverted the Korean War effort by delaying military aid to the Koreans.

With reference to what the Senator from Wisconsin [McCarthy] . . . has said regarding shipments to southern Korea, I should like to ask him whether he has made any study of the possible relationship of W. K. Remington and those associated with him with regard to shipments or the withholding of shipments to southern Korea. My reason for asking the question is that . . . somewhat over two years ago we [HUAC] . . . found him at that time in the Department of Commerce in the strategic position of determining what kind of military equipment and machine tools should be exported from the United States to Russia. . . . So I wonder whether the Senator from Wisconsin has explored the possibility that the little cell he established there might be responsible for the withholding of military aid which for eight long months failed to reach Korea after being appropriated for by the Congress.¹⁰

Mundt's charges that Remington established a cell at the Department of Commerce was both unsubstantiated and

highly prejudicial. No evidence was brought forward during the FBI's exhaustive investigations that Remington had attempted to create such a group. This public verdict, uttered by such a prominent person during a time when Remington faced trial on related charges, was a gross infringement of his right to a fair trial. The Korean insinuation, furthermore, was inaccurate and irresponsible. Had Mundt done a bit of research, he would have discovered that Remington had had nothing to do with exports once the Korean War began.

The indictment naturally put Seth W. Richardson, the Chairman of the Loyalty Review Board, on the defensive. He sought to appease his program's critics by denying that the Sawyer or grand jury actions were inconsistent with the Review Board clearance. Taking Sawyer at his word, Richardson cited the fact that the Remington ouster had been based on the matter of his "fitness . . . or suitability,"¹¹ and not his loyalty. He reconciled the clearance with the indictment by pointing out that the essential requirement before the Loyalty Board was whether an employee had been found to be "presently disloyal." In Richardson's view, the evidence on which the indictment was based (Remington's alleged membership in the Communist Party in the late 1930's) would not necessarily have had a "controlling weight" in the February 1949 decision, "even if it had been disclosed."¹²

Richardson's argument points up a glaring inconsistency in the government's policy. While on the one hand, Richardson, as the head of the country's highest loyalty tribunal, dismissed past Communist Party membership as lacking a controlling weight concerning appropriateness for government employment, the Justice Department was convicting Communists under the Smith Act and, in Remington's case, making it the basis of a criminal indictment.

Richardson did criticize the basic foundations of the indictment, asserting that the "thorough FBI investigation . . . over six years found not one shred of disloyal evidence."¹³ He also again delivered an implicit attack against the reliance on charges based on undergraduate activities:

. . . it is not a secret that our panels have consistently refused to regard college or other youthful activities as controlling in the loyalty question when we have an opportunity to judge from the proven record of accusations in the period immediately before [the] consideration.¹⁴

Press coverage after the indictment was mixed as usual. While such distinguished newspapers as the New York Times, the Washington Post, and the New York Herald-Tribune reported impartially, a number of others, most notably the New York Journal-American, the Washington Star and the Washington Times-Herald, periodically resorted to innuendo, implicit prejudgments,

and inaccurate reports in their coverage.

The Washington Times-Herald, for example, printed the inaccurate and highly inflammatory story that Remington had been "a long-time crony" of Morton Sobell, the latter of whom was described by them as the "latest suspect . . . in a Soviet spy ring."¹⁵

Another inaccurate and damaging report appeared in an article by New York Journal-American columnist Howard Rushmore. Rushmore, an ex-Communist turned rabid anti-Communist, appeared to be waging a one-man crusade against Remington.¹⁶ In his June 9, 1950 column, he inaccurately reported that in 1944 Remington had "told . . . Bentley about the types and amounts of machinery being shipped"¹⁷ to the Manhattan Project. This highly incriminating assertion was groundless. Bentley had never even hinted that there was an exchange of such information.

In other columns Rushmore sought to link Remington to the Democratic Party and to the recently convicted Alger Hiss. He referred to Remington variously as "a White House favorite,"¹⁸ "a one-time Fair Deal favorite," and "a New Deal favorite," and maintained that Alger Hiss was "another favorite of the New Deal whose background in many ways parallels that of Remington's."¹⁹

The Justice Department's prosecuting attorney Irving R. Saypol and Assistant Attorney General Donegan

sought to take advantage of the "negative publicity factor,"²⁰ by suggesting that the FBI aid in the arrest of Remington. Ever concerned about its image, the FBI at first refused citing the possibility that it "could be accused of making the apprehension for the sake of cheap publicity."²¹ The Bureau then reconsidered and sent several agents to be on hand for Remington's mugging and fingerprinting. Cheap publicity did ensue, with Rushmore again providing prejudicial reporting. Rushmore happened, curiously enough, to be the only reporter to overhear the comment by the FBI agent handling the mugging that Remington's demeanor was "very cool--just like Hiss'."²² For emphasis, Rushmore highlighted this comment in the paper by setting it off in heavy black print.

As a result of this incident, J. Edgar Hoover, who had been unaware of the FBI's participation in the arrest, forbade such activity by Bureau agents in the future. He cited as his reasons the very ones originally put forth, i.e., that it would leave them open to the accusation of "cheap publicity."²³

The kind of yellow journalism cited above was cause for much lament on the part of Remington and his lawyers. After several weeks of reading such New York papers as the Journal-American, the Daily News, the Daily Mirror, and the World-Telegram, Joseph Rauh, commented that the readers of those papers "must believe .

. . [Remington] . . . to be guilty beyond any doubt."²⁴

Rushmore's reporting on the eve of the trial was so prejudicial that it even caused prosecuting attorney Saypol "considerable concern," and prompted him to comment that "the newspapers apparently were trying the case before the trial started."²⁵ The headline of one particular piece predicted that "more Red Spy Tactics"²⁶ would be revealed at the upcoming trial. The opening sentence referred to the trial as "another chapter in the story of Communist espionage within the New Deal".²⁷

The futile attempts (some fourteen) to secure a \$5000 bail bond for Remington suggest that the prejudgments presented in the press had taken some effect. While most surety companies were customarily not very particular about their choice of clients, Remington's lawyers found them unwilling to do business. Several companies cited "company policy"²⁸ as the reason for refusing to be of service.

Others were more candid. A spokesman for the Damer agency asserted that the Remington case was a "hot potato," and that they "wouldn't be willing to risk the unfavorable publicity of writing a bond for Remington." The Peerless Casualty Company spokesman said that, though his company was exceedingly liberal in such matters, he personally "had prejudged the case" and stated that he "would never recommend that his company write a bond for a man like Remington."²⁹

Most belligerent of all was Hughes Bates, general agent of the Continental Casualty Company. Bates stated "that under no circumstances would his firm, or the Continental Casualty Company, or any reputable New York surety company, issue a bond in this type of case." He also stated that he had already reached a conclusion regarding Remington's guilt, and that he "would never sanction the issuance of a bond to a Communist."³⁰

However, through the herculean efforts of defense attorney Rauh, Remington had better luck obtaining funds for his defense. Upon consultation with Whitney North Seymour, the President of the Bar Association of New York, and Bethuel Webster, Rauh estimated that \$50,000 was the minimum amount of money required for the kind of lawyer, detective and travel expenses necessary for a competent defense.

With Remington himself personally destitute, outside financial help was sought from various wealthy friends of the Remington family, as well as from a civil liberties group, the Robert Marshall Civil Liberties Foundation. In addition to conveying the merits of Remington's case, Rauh's central solicitation thrust was that the case involved "civil liberties issues of the highest importance."³¹

Among the issues Rauh emphasized to the Robert Marshall Foundation were: the de facto double jeopardy of

his loyalty indictment; the "use of perjury as a method of getting at matters thirteen years old;" and the "fundamental civil liberties question of whether a man accused of Communism or disloyalty . . . [could] . . . get a fair trial"³² in the anti-Communist atmosphere of the time. Rauh's appeal garnered \$20,000 from the Marshall Foundation, the largest grant they had ever made. He managed to get the rest of the money from individual benefactors.

As he had throughout the loyalty defence, Rauh sought to work around his own liberal background by seeking conservative legal support. He recruited the defense services of a major law firm--Winthrop, Stimson, Putnam, and Roberts, and one of its top lawyers, William C. Chanler. Rauh was quite pleased with his choices because, as he wrote in a letter to James Marshall, Winthrop, Stimson et al, provided a staff that could help "prepare the case with imagination and with thoroughness." He found Chanler to be "bright and quick," with "outstanding legal ability." He also liked him because he was, like Webster, a "broad-ranged conservative who . . . [could] . . . understand the problems of liberals in the 'united front' days."³³ Chanler's stature and conservatism were important elements to Rauh, who felt that Chanler's "standing in the community" would be "an important factor vis-a-vis the jury."

This is not, in our opinion, an ordinary criminal case that will be tried solely in the court room. Whether we like it or not, this case will be tried in part in the newspapers and in the fears of the jurors that they will be subjected to abuse if they vote to acquit . . . as happened in the case of the jurors in the Hiss case who voted to acquit . . . [These jurors] . . . will find some slight alleviation in knowing the standing of the man who is asking them to render the verdict of acquittal, while they will be in unpopular company if they vote to acquit, at least it will be good company.³⁴

NOTES--CHAPTER 23

1. James Wechsler, The New Republic, June 19, 1950, pp. 13-15.
2. New York Times, June 4, 1950, Section IV, p. 12.
3. Washington Daily News, June 14, 1950, p. 1.
4. Commerce Department to W. Remington, June 5, 1950, FBI files.
5. Charles Sawyer to W. Remington, June 5, 1950, FBI files.
6. Time, June 5, 1950, p. 19.
7. Bill Cross to Herb Levy, August 1, 1950.
8. U.S., Congress, Senate, July 14, 1950, Congressional Record, pp. 10968-10969.
9. U.S., Congress, Senate, July 25, 1950, Congressional Record, pp. 11105-11152.
10. Ibid., p. 11116.
11. Washington Daily News, June 14, 1950, p. 1.
12. Ibid.
13. Washington Sunday Star, June 18, 1950, p. 10.
14. Ibid.
15. Washington Times-Herald, August 20, 1950, p. 1.
16. New York Journal-American, June 9, 1950, pp. 1 and 4.
17. Ibid., p. 4.
18. Ibid., p. 1.
19. New York Journal-American, July 5, 1950, p. 1.
20. FBI, Memorandum, June 8, 1950.

21. Ibid.
22. New York Journal-American, June 13, 1950,
p. 1.
23. FBI, Memorandum, June 8, 1950.
24. Rauh to Frances Brody, June 19, 1950.
25. FBI, Memorandum from W. R. Warnell to A. H.
Belmont, n. d.
26. New York Journal-American, December 17,
1950, p. 1.
27. Ibid.
28. Rauh, Memorandum, June 12, 1950.
29. Ibid.
30. Ibid.
31. Rauh to Brody, June 19, 1950.
32. Rauh to James Marshall, June 24, 1950.
33. Rauh to Marshall, July 3, 1950.
34. Ibid., p. 2.

CHAPTER 24

THE DEFENSE PREPARES

One of the first moves by the Remington defense team was to solicit a bill of particulars outlining the specifics of the indictment. Elaboration was sought on such issues as: when Remington was supposed to have joined the Communist Party; what events, actions, or conversations represented proof of membership; and most significantly, how Communist Party membership was to be defined.

The prosecution not surprisingly resisted the defense's efforts, arguing that such a request was, in effect, "asking . . . for matters of evidence that should be reserved for trial."¹ In warding off the demand for specificity, Special Assistant to the Attorney General Donegan inadvertently acknowledged the indictment's basic flaw, namely that Communist Party membership was virtually undefinable. Donegan stated, for example, that Party membership was "most difficult to define," and that the matter of what constituted such membership was "something to be decided by a jury upon 'evidence' as to different acts and different conversations."² An obvious question which arises from a reliance on a jury definition of

membership is: how can they know what "acts" and "conversations" are proof of that membership? It was obvious from Donegan's statements that there was a noticeable absence of criteria by which to assess the behavior presented as evidence. In a facetious twisting of the issue, Donegan commented to the press that at least Remington ". . . ought to know what it [Communist Party membership] means . . . in view of Chanler's statement that he had been asked the question seven times."³

Upon deliberation, Federal Judge Sidney Sugarman denied the request for a definition of Party membership, but did order the prosecution to reveal, if possible, the following particulars:

. . . the time when and the place where William Walter Remington is claimed to have become a member of the Communist Party; the times when and the places where Remington is claimed to have been a member of the Communist Party; and the particular organization, faction, cell or other subdivision within the Communist Party of which Remington is claimed to have been a member. +

The government's response to the order several weeks later did little to particularize the charge. They pleaded ignorance about both the time and place where he became a Communist, and about the particular organizations or subdivisions of the party to which he belonged. The period during which he was alleged to have been a Communist was simply generalized as approximately a ten-year period, "in or about 1934 to 1944."⁴

The defense had a mixed reaction to such a weak compliance to the charge's particulars. While Rauh was encouraged by what he felt were weak answers, he felt outraged that the government had the "gall to say he [Remington] was a Communist in 1934 at Hanover when he was 16 and 17 years old." As he put it, "they still think . . . by a lot of general statements against . . . [Remington] . . . they will get a jury to convict him." He vowed to seek a dismissal of the indictment if no definition of Party membership was established by the prosecution.

Just prior to the trial such an appeal was made to trial Judge Gregory F. Noonan. Noonan's summary rejection of the appeal was noteworthy for its curious interpolation of Donegan's rationale against defining membership. Noonan reiterated that party membership was "almost impossible" to define, and attributed the problem to the "double talk that goes on in Communism." Beyond this, Noonan literally espoused Donegan's seemingly facetious comment that Remington was the best one to know about the meaning of his membership:

I think the defendant is the best person to say whether he was a Communist. Certainly he knows. And certainly it is not incumbent on the Government to define what a Communist is.⁷

The above showed, among other things, some faulty logic. The issue of whether Remington was a good judge of his membership had seemingly little to do with the matter

at hand--namely, the establishment of objective criteria for Communist Party membership. If, as Remington contended, he had not been a member, why would he be a good judge of what constituted membership? Noonan's comment also seems legally improper since it implicitly shifts the burden of proof about membership to the defendant. Such a shift was clear in his contention that to define "what a Communist is" is "not incumbent" on the prosecution. The burden was thus placed on the defendant by Noonan's contention that he (Remington) was the one "best . . . to say whether he was a Communist."

Earl Latham makes note of the ambiguity entailed in the term "Communist," and in doing so, underscores its flaws as an indictment charge. One cause of uncertainty about it was the fact that, as he put it, there were "various degrees of commitment to the party, and various badges and signs of that commitment."⁸ This, of course, lessened the possibility of a set of definitive criteria by which to verify party membership. He points out, for example, that various people involved in party work, and even espionage, such as Winston Burdett and Henry W. Wenning, did not carry party cards. Further confusing the issue was the fact that party work itself was not necessarily a sign of membership.⁹ According to Latham, the Communist Party worked through "several influential persons who were not, in fact, members of the Communist Party."¹⁰

Wenning, for example, had been expelled from the Party and had never rejoined, yet he nonetheless "participated in its affairs, responded to its directions, and had many meetings with party officials."¹¹

Indeed, as Latham asserts, "some of those who had no obvious connection with the party at all were more lethal instruments of its intention than those who carried party cards . . . [and] . . . paid dues." He cites Whitaker Chambers and Elizabeth Bentley as examples of agents who, while they "held no official position of any kind"¹² in the party, nonetheless worked for Soviet military intelligence.

Thus, according to Latham, not only was the status of membership unclear, but so also were the criteria used to measure membership--in Remington's case actions and conversations. They were unsatisfactory because Communist actions and Party membership were not synonymous.

Even so reputed a Communist authority as J. Edgar Hoover seemed unable to clarify the membership issue. When asked in an interview about the distinguishing characteristics of a Communist, his only response was "their actions,"¹³ and he did not specify what particular actions were tell-tale. The interviewer, in hopes of something more concrete, remarkably asked whether Communists did not "look different," as though they might have been some kind of "extraterrestrial" creatures.

Hoover indirectly clouded the matter further with the assertion that the "very essence of Communism is deceit," suggesting by implication that one could not tell a Communist by his actions, since their "design" was one of "deceit."¹⁴

At this point it is perhaps useful to review some of the various difficulties faced by the Remington defense. For one, contrary to the country's legal principles, the judge in the case had shifted the burden of proof to the defendant. Secondly, the charge concerned, incredibly enough, something that the government could not define--other than by vague allusions to what it called "different actions and different conversations."

Adding to the difficulty of countering such a vague charge was the prevailing theory about Communist deception, which is seen in both the Hoover and Noonan comments. This view was that Communists' actions were designed to deceive since their goals were surreptitious. Therefore, behavior of suspected Communists which did not fit the party line, or which is anti-communist, was to be discounted since it was part of a cover-up. This was the same rationale used earlier by the Regional Loyalty Board in their disloyalty verdict. They had judged that his anti-communism was schematic and insincere.

There thus seemed to be a kind of no-win situation for a defendant in such a case. Anti-communism, an obvious

defense option for disproving the "undefinable" status of Communist Party membership, was deemed to have negligible value since the Communist Party lacked integrity and was designed to deceive. This kind of mind-set represented a major obstacle for Remington to overcome. He nonetheless clung to anti-Communism as his primary defense strategy.

Since such a defense had proved a failure at his Loyalty Hearing, however, Remington shifted to a somewhat more forthright attitude about his past beliefs. He admitted, for example, having had an ideological flirtation with communism--though he maintained that it stopped short of membership. Yet even this strategy was risky because of the equation commonly made between communist ideology and party membership, on the one hand, and party membership and treason on the other. These associations are seen perhaps most dramatically in the assumptions of J. Edgar Hoover, the country's supposed authority on the matter. During an interview he cited the treasonous designs of even mere Communist believers or ideologues, contending that "the motherland" of "every avowed Communist" is Russia since ". . . every indoctrinated Communist inherently owes allegiance to a way of life different from the average American."¹⁵

He later elaborated on this treason theme, stating that Communists "will always espouse the cause of Soviet Russia over that of the United States."¹⁶ Here, it is

unclear, and perhaps irrelevant, whether he was talking about "avowed Communists" (believers?) or "hardcore Communists"¹⁷ (party members).

For the sake of clarity, and with the goal of establishing distinctions among various types of Communists, one might contend the following: that an avowed Communist is a believer of the communist philosophy, who may or may not go beyond an espousal of doctrine to take action on those beliefs. He may, conceivably, simply choose to remain a communist ideologue, avoiding formal membership and the performance of Communist actions. Hoover, however, seemed uninterested in drawing such distinctions or seeing such "grey areas." He seemed to dismiss them implicitly, citing, for example, the Party's decline in formality. He noted the fact that the party "hasn't issued cards in three years," and that "membership records no longer exist."¹⁸ This dismissal of concrete proofs of membership reinforced the blurring equations made between communists, Communist Party members and traitors. By lumping together all types of communists, Hoover simplified the Communist problem, presumably to facilitate its elimination.

If a mere believer could be recognized as treasonous, then a formal definition of party membership was unnecessary. It would be seen as a complication to be dismissed. It was so treated by Donegan, Noonan, and

Hoover. Treason was the issue; its' elimination via prosecution the goal; and a perjury trial about party membership the imperfect vehicle to achieve that goal.

Judge Noonan's sanction of the government's failure to establish Party membership guidelines represented a major victory for the prosecution because it lacked any documentary proof of Remington's membership. With such an open-ended view concerning evidence, the government was allowed to establish its case by the vague and inadequate measures Donegan had posited: "evidence as to different acts and different conversations" constituting membership."¹⁹ Such leeway was perfectly suited to the political evidence the government planned to use. ..

A noteworthy feature of the pre-trial period was the FBI's straying from its role as an impartial investigative conduit. The Bureau clearly adopted the prosecution's position that Remington had perjured himself about Communist Party membership, and its fact-finding role was so clouded by this perspective that information inconsistent with this view was discounted. They were thus not only evaluating data, but their judgments were shaped by a mindset geared more to a successful prosecution than to the achievement of impartial justice. For example, the Bureau labeled a whole group of acquaintances from Remington's TVA days (Mabel Abercrombie, Omea Reese, Abe Liebstein, Kenneth Cameron, Laurentz Frantz, David S.

Martin, Horace Bryan, and Burton Zien) as "uncooperative"²⁰ because they would not say what the Bureau presumed to be the truth, namely, that Remington had been a Communist. They characterized Bryan, an admitted party member at the time, as "refusing to furnish pertinent data about Remington, though he was obviously in possession of information about him."²¹ Their appraisal of Oma Reese's opinion that Remington had not been a party member was that she was "probably withholding information about her knowledge of Remington."²² No basis was given for such judgments.

An even more questionable straying from their supposed role emanated from Saypol's request that the Bureau interview potential defense witnesses. His goal was that of "ascertaining if they will appear and what they will say." He also requested "derogatory data" and the "developing as much . . . as they . . . [could] . . . , [of] . . . some unfavorable background"²³ about prospective defense and character witnesses. Subjects of this unsavory practice were to be such seemingly unimpeachable figures as the President of Dartmouth College, Ernest Hopkins, and Remington's high school English teacher, Alice W. Martin. This kind of background work could also function, of course, as a powerful intimidation factor against defense witnesses.

FBI officials had serious reservations about

performing such a role, and they initially balked at Saypol's request, citing their fear (seemingly recurrent) of the possible "embarrassment to the Bureau"²⁴ should such activities become known. They also hesitated because they felt that it was "questionable from the standpoint of ethics." They feared that they "might even be subject to contempt proceedings." Nonetheless, they overcame their qualms and acceded to Saypol's requests. On December 27, 1951, for example, they issued orders for agents to seek "any derogatory data known or developed about"²⁵ Ernest Hopkins. The order also urged a careful cover-up, advising that the probe should be done "as discreetly as possible," and should be confined to "confidential informants and sources" and to "known reliable contacts."²⁶

A further instance of the prosecution goal taking improper precedence over a pursuit of justice was seen in the government's attitude toward Brunini's conflict of interest (between his roles as grand jury foreman and Bentley's literary agent). The only concern of the FBI and the prosecuting attorneys seemed to be over the potential harm arising from a public disclosure of the relationship. Saypol felt that the relationship so tainted the indictment that it warranted seeking a new indictment. He argued that the "connections between Brunini and Bentley might prejudice the prosecution"²⁷ to the point where they might lose the case. He expressed no concern, however, about the

situation's potential or actual injustice. Others (e.g., Assistant U.S. Attornerys Thomas Donegan, James McInerney, and Peyton Ford) advised against seeking a new indictment. It was argued that the same objections would exist with a trial on a new indictment.²⁰ The strategy thus became one of remaining silent about the matter in the hope that it would not become public.

NOTES--CHAPTER 24

1. Washington Post, July 20, 1950, p. 3.
2. New York Daily News, July 25, 1950, p. 10.
3. Ibid., p. 10.
4. New York Times, July 29, 1950, p. 1.
5. New York Daily Mirror, August 17, 1950, p. 1.
6. Rauh to Robbins, August 21, 1950, Rauh papers.
7. Cook, The Remington Tragedy, p. 494.
8. Latham, Communist Controversy, p. 90.
9. Ibid., p. 91.
10. Ibid.
11. Ibid.
12. Ibid., p. 92.
13. U.S. News and World Report, "How Communists Operate--An Interview with J. Edgar Hoover," May 30, 1951, p. 33.
14. Ibid.
15. Ibid., pp. 32-33.
16. Ibid.
17. Ibid., p. 32.
18. Ibid.
19. First Remington Appeals Brief, p. 9.
20. FBI, Memorandum--Remington, January 13, 1951.
21. Ibid.
22. Ibid.
23. FBI, Memorandum--Remington, January 6, 1951.
24. Ibid.

25. FBI, ~~Memorandum~~-Remington, December 27, 1951.
26. Ibid.
27. FBI, ~~Memorandum~~-Remington, October 31, 1950.
28. Ibid.

CHAPTER 25

THE FIRST TRIAL

The Remington defense had the complex task of covering the situations and conversations over the ten-year period of the charge which might have shown him to be pro-Communist. For the Dartmouth years, the defense obtained as witnesses two former Dartmouth classmates of Remington's, Charles Davis and William Goodman. They would attest to his political shift to the "right" during his final two years as an undergraduate. For the TVA period, they obtained two witnesses, Horace Bryan and David Stone Martin, who had had some contact with the Communist Party in Knoxville, but would testify that they had no knowledge of Remington's involvement with the party. To counter the Bentley story, they managed to obtain the testimony of Bernard Redmont--despite Remington's previous statements describing Redmont as a probable Communist. Redmont, of course, was important to the defense, because his account of his Bentley contacts essentially matched Remington's. Giving special weight to his testimony was the fact that he was also at several of the Bentley-Remington meetings.

The heart of the prosecutions's case were the

testimonies of Ann Remington and Elizabeth Bentley. Indeed, it was Mrs. Remington's testimony which had been the catalyst in the case, as evidenced by the fact that Bentley's word alone had proved insufficient to obtain either Remington's removal from office, or his indictment. Most significantly, Mrs. Remington affirmed Bentley's account concerning the case's "ulterior" charge of espionage. It was the matter of espionage which was clearly the central, albeit underlying issue of the trial. Attorney Saypol concurred on this point, feeling that the crux of the case against Remington was the prosecution's ability to prove that the information Remington gave Bentley was secret.¹

However, espionage was not, as Earl Latham has pointed out, necessarily a proof of membership.² The charge was crucial nonetheless, since the jury was to make their membership decision based essentially on words and actions, and the passing of secret information to a Communist agent was likely to be seen as an ultimate proof of membership.

The defense was barely prepared for Ann Remington's testimony. Rauh, for example, had said in a letter several months before that if he could get Redmont to contradict Bentley, he doubted the prosecution had other direct testimony of membership which could not be effectively contradicted.³ He thus seemingly overlooked the defense's most important witness. The reasons for the

unreadiness are evident. For one thing, the defense was unable to obtain her grand jury testimony. Secondly, with the exception of the Golos meetings, Remington had either denied to his lawyers or left unmentioned his wife's involvement with Bentley. Finally, Mrs. Remington had barely been mentioned in Bentley's public story. In Bentley's early testimony before the FBI and Senate, there had been, as shown, only the sketchiest references to Mrs. Remington's presence at meetings with her ex-husband.⁴ However, the Remington defense should have known, it would seem, that she was an important new element in the prosecution's case since Remington's indictment had followed her first and only testimony.

The trial opened on December 26, 1951 with each attorney making opening statements. Prosecuting attorney Saypol asserted that he would establish Remington's Communist Party membership during the period 1934-1944 by proving that Remington had paid dues, attended party meetings, supported party activities, and committed espionage.⁵ In attempting to establish the currency and importance of the case, he asserted that Communists were the enemy within the nation. He also emphasized the theme of Communist Party deception stressing that Communism was "imbued with secrecy and furtiveness," and that Remington's Communist Party activities were "necessarily concealed from fellow employees and friends."⁶ This latter point was, as

mentioned earlier, a useful device for undercutting the credibility of defense witnesses, since their testimony was thereby portrayed as having an erroneous basis.

Defense attorney Chanler argued in his opening remarks that Remington was not a "card-carrying Communist Party member"⁷ and that the government lacked any tangible evidence thereof. Chanler also maintained that Remington "had never done anything to favor Russia"⁸ and that his seemingly leftist or pro-Communist behavior needed to be viewed in two historical contexts--the "Common Front" era of the 1930's and the war-time alliance with Russia in the 1940's. He cited Remington's youth as a mitigating factor, and argued that his interest in left-wing theories was temporary. He maintained that by the age of twenty, Remington "had his feet on the ground."⁹

The prosecution's first witness was Mrs. Remington. She once again portrayed their affiliation with the Communist Party as one that avoided adherence to the rules as spelled out in the Communist Party constitution. Defense attorney Chanler skillfully elicited from Mrs. Remington a telling series of admissions about the informality of their party status--thereby weakening her case for formal party membership. She maintained that being a communist was both "a state of mind" and a pattern of behavior, which was reflected in one's being an "adherent to the Communist Party and an active participant

in the latter's programs."¹⁰ Chanler got her to admit that, according to the rules and bylaws of the Communist Party constitution, they were not Communists. She was to state, for example, that neither of them had fulfilled the requirements of formal membership, such as having a party dues book, a party membership card, or attending regular party meetings.¹¹ She stated that they were Communists "in a loose sense, intellectual Communists rather than members of the party under its provisions." She added that they were "Communists as much as . . . [they] . . . wanted to be Communists."¹² Since the court had failed to require a clearcut bill of particulars concerning the charge, Mrs. Remington's loose, ad hoc definition of membership was apparently acceptable and undamaging to the prosecution's case. Furthermore, her sense of being a communist was within the prosecution's perimeters of Communist Party membership--namely those of actions and ideas.

While Mrs. Remington's testimony somewhat undercut the case for formal party membership, her story was nevertheless impressive on several counts. For one, it was the account of someone who was Remington's most intimate companion during the period relevant to the charge. Secondly, her testimony portrayed Remington acting and talking as if he were a Communist. Perhaps most significantly, her story served to undercut two of Remington's arguments: that the differences between his and

Bentley's stories were simply a series of misunderstandings; and that he had "set aside his leftist tendencies"¹³ by the age of twenty.

The following is a review of the points made by Mrs. Remington which contradicted, either directly or indirectly, statements of her ex-husband. She told of attending a Dartmouth Young Communist League meeting with Remington, and of being advised by him that they were meetings of that group.¹⁴ As cited earlier, he had denied such membership and pleaded ignorance about the existence of the group at Dartmouth. Secondly, she reiterated that he had told her about having been a Communist at Knoxville and that he had urged her to secrecy about it since nobody at Dartmouth was aware of it.¹⁵ She stated that she must have explained to him "in some cryptic fashion,"¹⁶ perhaps in a letter, that she herself had joined the Communist Party in New York. She told of exacting from Remington a "Communist" marriage pledge, making their marriage "conditional on his remaining a Communist adherent to party programs and a participant in party activities."¹⁷ She told of their honeymoon in Mexico where, with letters of introduction from Joseph North, they met several Mexican Communists. On their return from the honeymoon, she said they stopped off at Knoxville where he introduced her to several former fellow TVA employees, such as Henry Hart, Mabel Abercrombie, and Muriel Speare, whom she said

Remington described as Communist Party members. She added that they spent some time talking with this group about the Hitler-Stalin pact, and that she and her husband eventually "rationalized that it was expedient to the Soviet Union and thus acceptable."¹⁸

Upon returning home to New York, she reported that they attended a workers school at Communist Party headquarters where they took a course in Marxian economics. She stated, however, that they dropped out of the course after only two sessions following Remington's futile attempt to get the instructor "to deviate from Marxist text."¹⁹ She told of their campaigning in 1940 for Earl Browder's election to Congress.²⁰ She also related several conversations between her husband, Joseph North (editor of New Masses) and Sy Gerson (one of the Communist officials subsequently arrested under the Smith Act) about Remington's career. She said Gerson allegedly advised her husband of the Communist Party's need for "good economists."²¹ She also said that she and her husband had given a benefit party and a \$100 donation to New Masses.²²

She then recalled how their Bentley "relationship" had come about at their own initiative. After their move to Alexandria, Virginia in 1941, they had had fewer meetings with Joseph North and "felt out of touch."²³ They "wanted to help more," and her husband "indicated . . . [to

North] . . . that he might have information useful for Russia."²⁴ As a result of such conversations, she said, North made arrangements through Communist Party headquarters for them to get a new contact. During their introduction to Bentley in New York, it was arranged that the latter would bring them party literature, and that information to be furnished Bentley was to be from government sources and useful to Russia. She said that it was also agreed that they would pay Bentley party dues. She asserted that there was no conversation to indicate (as Remington had claimed) that Bentley was a PM reporter; nor could she recall mention of the money as contributions to the JAFRC relief fund.²⁵ She stated that Bentley knew they were undercover. She recalled that at one of their Bentley meetings her husband was "extremely excited" and told Bentley that the explosives formula he was giving her was "top secret and should be forwarded to Russia immediately."²⁶ She also went into a bit of detail about the meetings, the alleged dues payments, and the literature received from Bentley. She told, for example, of "receiving a Christmas gift given to them by Bentley on behalf of the Communist Party."²⁷ As for the data given to Bentley, she said that Remington copied the original War Production Board documents concerning the formula and brought it home to show her.²⁸ She also recalled that the amount of dues was set by North at 10% of Remington's

salary. As for the literature brought by Bentley, she said that they were careful to burn it because Remington had already been under investigation several times.²⁹

She reiterated her "FBI" story about attempting to recruit the Redmonts into a similar arrangement with Bentley. She alleged that the move was made after the Redmonts had admitted that they were Communist Party members and were looking for a party contact.³⁰

She also alleged that in April, 1947, after their separation, Remington visited her and had her type a letter to the Redmonts which was designed to square their stories about Bentley being "Helen Johnson," a PM reporter. Mrs. Remington said her husband came up with the name so that he "would have a last name to use when speaking to his secretary."³¹

Mrs. Remington's testimony was consistent with her earlier FBI account, except for two significant points. When talking with them earlier, she had denied obtaining dues receipts from Bentley and had elaborated on the point by maintaining that she did not get such receipts since they were "not that sort of dues."³² At the trial, however, she changed her story and claimed she "distinctly recalled receiving receipts for dues on two occasions."³³

Another significant reversal concerned her overall appraisal of Remington's loyalty to the United States. As shown in her earlier interviews with the FBI, she had

maintained that, apart from perjury, "he had served the best interests of the United States."³⁴ In an obvious effort to aid the case against her husband, however, she argued at the trial that the main difference between liberals and communists was that the latter placed the interests of Russia "first and always."³⁵ She then proceeded to place Remington in the latter category saying that all of Remington's "hard work and efforts at the WPB" were "solely to assist the WPB in aiding Russia."³⁶

Elizabeth Bentley, the other "primary" prosecution witness, was the tenth to take the stand. Three prominent aspects of her testimony were noted by leading newspapers covering the trial: one, that "in the main . . . [Bentley] . . . corroborated Ann Remington's testimony;"³⁷ two, that she told essentially the same story she had told the Senate;³⁸ and three, that she remained unshakeable in the face of tough cross-examination.³⁹

The following are the highlights of Bentley's oft-told story as it matches or elaborates upon Mrs. Remington's account.⁴⁰ She told of being introduced to the Remington's as their "new Communist Party contact."⁴¹ She said her role in this connection was to collect their dues, bring them literature and receive information gathered by Mr. Remington. She elaborated on the dues payments, seeking to negate the idea that there could have been a misunderstanding about them. She claimed that Remington

figured out the amount owed using the dues schedule recommended by the party.⁴² Like Mrs. Remington, Bentley said the information received consisted of data copied on separate pieces of paper because he was "terrified of being caught."⁴³ Also, like Mrs. Remington, she told of his describing the garbage formula as secret (her word was "supersecret")⁴⁴ and of his telling her that "because of war shortages it would probably be useful to Russia." She denied that Remington had described it as a "crackpot" scheme. She also repeated her description of the other information he gave her as "charts and figures of aircraft production which showed their distribution to theaters of the war, their expected output and details concerning their performance."⁴⁵ According to her, he also described the latter information as secret. She claimed that Golos told her this data was excellent.

Bentley told the same story about Redmont's recruitment saying that Remington had solicited her services as Redmont's Communist Party contact. She added that Remington and Redmont met together with her several times in Washington. She denied Golos ever told her of his working on any magazine articles or that she had heard about the JAFRC. She told of giving the Remingtons Christmas presents with a salutation such as "Merry Christmas from the Party," so that they, like all the party contacts receiving them, "wouldn't think that they were

personal gifts."⁴⁶ She said that Remington wanted to stop seeing her because he felt it was "too nerve-wracking."⁴⁷ Her explanation for his change in attitude was her feeling that he had become terrified at the thought that his material was going directly to the Russian secret police.⁴⁸

While it can be agreed that Bentley's story essentially matched Mrs. Remington's, there does seem to be, contrary to the view of the Washington Post, a significant difference between Bentley's trial testimony and her earlier account before the Senate. The primary difference is one of tone, with the trial testimony being decidedly more slanted against Remington. Defense attorney Chanler quickly picked up on this discrepancy. He pointed out, for example, how in her Senate testimony she had described Remington as "one of the least important figures"⁴⁹ among her contacts, and as one who was unimportant to the extent that it was "safe to call him at his home or office."⁵⁰ Elsewhere she described him as a "minor figure about whom she couldn't recall as much as the others."⁵¹ Yet here, she emphasized his significance as a contact. For the first time, she quoted Golos' alleged description of Remington's information on aircraft production as excellent. The formula, which she had initially described to the FBI as "worthless even to a chemist," she now characterized as "supersecret."⁵²

She also had claimed in her Senate testimony that she never discussed with Remington the purpose of the information gathering, and that he probably thought the material was going to the Communist Party or to Earl Browder. She added that had he known its real destination, he might have been unwilling to participate.⁵³ At the trial, however, she portrayed Remington as having full awareness of the information's destination. She attributed to him, again for the first time, the comment about the formula's probable usefulness to Russia.⁵⁴

In the face of Chanler's questioning about such discrepancies, Bentley nonetheless stuck to her story. Her basic response about these differences was that her earlier "estimates" about his awareness were "just guesses about his state of mind."⁵⁵

Bentley's testimony highlights the great importance of the espionage charge in the case, and it is perhaps useful here to review the reasons why. For one thing, as pointed out before, espionage implied a strong allegiance to the Communist Party. Secondly, "undercover" status fitted the prosecution's strategy of impugning defense witness testimony; an espionage defendant's public behavior was misleading since it was calculated to disguise secret actions. Third, and perhaps most central to the prosecution's case, proof of "spying" obviated the need to show formal party attachment. Indeed, it gave the

government the perfect pretext for its failure to come up with such evidence.

It is this last point which the prosecution tried to get Bentley to present as strongly as possible, and she obliged. She stated that for underground members, party credentials were "prohibited,"⁵⁶ and that when she went undercover with Golos he took her card away. She said that if Remington had shown her a Communist Party book during the period of their relations she "would have taken it away from him, brought it to New York City and destroyed it."⁵⁷ Thus, the accusations of espionage served as the prosecution's "trump card," helping it to overcome the remarkable shortcomings of its indictment charge. ..

Remington did not testify at the trial until the fifth week, and he was the tenth defense witness. The defense strategy was to open with a character study of the defendant presenting some of his achievements and accomplishments. Also included in this introduction was a discussion of various background factors which the defense was seeking to emphasize. Remington's youth was one, with Remington himself pointing out that the alleged period of Party membership covered his life from 16 to 26 years of age. He also added that when he went to Dartmouth, which he said was where he began to become "radical,"⁵⁸ he was younger than his classmates.

Another element pointedly emphasized was the

influence of religion, both to his overall life and to his interest in social change.⁸⁹ He told of the strong effect of his mother's introducing him to the Oxford Group. He said it "developed in him a concept of complete dedication to a personal god, as a result of which he tried to place all his thoughts and acts at God's service." Thereafter, he said, "he was devoted to helping the underdog."⁹⁰ He added that upon his entrance to Dartmouth, "these inclinations stayed with him."⁹¹ Such an emphasis on religion was important, of course, not only in giving a non-Communist base to his radicalism, but also as a contrast to the atheism of Communists.

Remington then charted the course of his ideological "wanderings." He said that he had "moved quite graphically to the left in political thinking"⁹² when he went off to Dartmouth. In elaborating on this political shift he said that he "advocated loudly and extensively" such things as "government ownership and control of industry, . . . beliefs in racial equality, . . . the belief in the breakdown of big business, . . . [and the advocacy of] . . . highly progressive income taxes and the support of labor unions." These views translated into varied activities at Dartmouth, such as joining "committees" to aid the Vermont Marble Workers Union and to help Spain (in her civil war), and attending meetings of a Marxist Studies group on campus. Remington made a point of

stating that he never agreed with the "Marxist theories of the suppression of religion or the dictatorship of the proletariat."83

Other college era activities cited were his membership and participation in the American Student Union, a group he described as "left of center,"84 and his year off working at the TVA. After his year away, he described himself as still active "in the group considered radical by the others."85 However, he characterized himself as having a "changed mind in academic matters," with less sureness "of previous notions," and a "determination to do better in college work."86 He did admit, however, to continuing to have "radical ideas throughout his junior year."87 One of the things he stressed to show a movement away from radicalism was, however, his participation in a move to establish a Liberal Club at Dartmouth. This club he described as a reaction away from what he called the ASU's "extreme left-wing"88 tendencies.

What Remington thus admitted to was an ideology and related actions that might be described variously as radical, left-wing or Communist-like. Indeed, he admitted that during his first two years at Dartmouth he was in a radical group which other students called "Red" or "Bolshevik."89 At Knoxville, he said that he and his friends were likewise characterized by the townspeople as "Yanks, Reds, and Communists." Remington said that, at the

time, he did not try to hide or deny such labels. When confronted back then about why he held such views, his response would not be a denial, but would depend, he said, "on the motive of the persons asking the question."⁷⁰ He said, "if the motive appeared friendly," he would give "a serious explanation of his ideals and reasons for his belief in the necessity of radical changes." If he felt the "motive of the questioner to be unfriendly," he would "give a facetious remark."⁷¹ Adding further to his image as a "radical," according to Remington, was his penchant for argumentation. He had been captain of the freshman debating team, and he would, as he said, "take any side of a question for the sake of an argument."⁷²

While Remington admitted having radical ideas, he also strove to cite his simultaneous support of positions that were politically opposed to those supported by the Communist Party. These positions included opposition to the Hitler-Stalin pact and to Russia's invasion of Finland.⁷³

The most important part of Remington's testimony, however, was his denial of the accusations against him.⁷⁴ In addition, of course, to denying party membership or espionage involvement, he also denied the following: that he was ever a YCL member or tried to recruit anyone into that organization;⁷⁵ that he gave Bentley copies of WPB memos or information on slips of paper prepared from such

memos;⁷⁶ that he ever attended Communist Party meetings, paid Communist Party dues, or tried to recruit anybody into the Party;⁷⁷ that he introduced Redmont to Bentley because the former wanted a Communist Party contact; that he knew Redmont was a Communist Party member; or that he wrote a "cover" letter to Redmont in South America or that he told his wife to write such a letter.⁷⁸ He also denied that he ever gave his wife a communist marriage pledge;⁷⁹ that he had knowledge of the YCL's existence at Dartmouth before he prepared his defense;⁸⁰ that he ever had possession of allocation records of any type of aircraft or aircrafts parts;⁸¹ that he had participated in any way in Earl Browder's campaign;⁸² that he and his wife held a party for New Masses (he claimed they discussed it, but that it was held by others);⁸³ that he was introduced to Bentley as her "contact";⁸⁴ that he had told his wife that he was a Communist Party member in Knoxville; and finally and perhaps most significatly, that his wife had been present at any of his Washington meetings with Bentley.⁸⁵ The last, however, had become a somewhat qualified denial, with Remington saying that he "could not recall"⁸⁶ that she was present.

For these denials, Remington had detailed explanations. Remington's version of the alleged "marriage pledge," for example, was that there was simply a pledge "never to give up concern for the underprivileged" nor to

become "dominated by the idea of success."⁸⁷

Remington's account of the Bentley relationship was little changed from that given previously, but the highlights perhaps bear repeating. Contrary to the version of his accusers, Remington said the initiative for the Bentley introduction came from Joseph North who wanted to help a friend (Golos) obtain data on the war mobilization.⁸⁸ His account of the money given Bentley was that it was for Golos' fund-raising effort for German refugees.⁸⁹ According to Remington, his goal in meeting with Bentley was to try to convey to her, as a representative of the hostile left-wing press, the function of the WPB and its successes.⁹⁰ The formula he told her about was, according to him, never a success, nor was it, "in his opinion . . . (ever) . . . taken seriously by the WPB."⁹¹ He told her about it because she was writing about "the slowness of the synthetic rubber program," and because he wanted to point out to her one of the things "that was wasting the time of people concerned with the project."⁹² She did bring him left-wing and Communist literature, such as the Daily Worker and New Masses, in order, he said, to have him read and comment on certain relevant articles. He broke the association with her because he became skeptical about her asking "too many probing questions," and because he was "suspicious" she was a Communist "using him for purposes other than those she had

indicated."³³

While Remington's account did hold rather firmly and consistently to his previous testimonies, it hit some rather rough spots under cross-examination. For example, the prosecution skillfully confronted Remington with the admittedly unusual background circumstances of his Bentley meetings.³⁴ It pointed out that Remington had made a number of contributions, while on a small salary, to a man Remington hardly knew--and with whom he had become incensed over insinuations about the work of the WPB. When faced with such a scenario, Remington admitted that such actions were "strange and not normal, and that he had never acted in a similar manner with anyone else."³⁵

While the prosecution's case rested primarily on the testimony of its two most important witnesses--Bentley and Mrs. Remington--there were three other aspects to their case which were notable. Two are obvious--those which dealt with the Dartmouth and TVA periods. The third was the government's effort to buttress the espionage charges by proving that Remington had had access to the type of airplane and "garbage formula" data that Bentley claimed to have received from him.

The prosecution's Dartmouth presentation was perhaps the weakest part of its' case. The attempt to introduce Remington's alleged YCL involvement into the case was a failure, with Judge Noonan declaring such testimony

irrelevant.⁹⁶ The only other Dartmouth evidence proffered consisted of several ten-to-fifteen year-old recollections of remarks by Remington. The reliance on such testimony marked a rather lame effort to find probative value in Remington's adolescent state of mind. It bore proof, perhaps as well as anything, of the weaknesses of both their charge and evidence. These recollections, along with Mrs. Remington's characterization of their Communism as essentially a state of mind, prompted defense attorney Chanler to lash out at the government's attempt to try Remington for his ideology. He compared such a form of adjudication to the activities of the Salem witch episode.⁹⁷

The first Dartmouth witness was Robb Kelley, who, it will be recalled, remembered Remington rationalizing his Communism with the remark that his father "had always been a stooge of capitalism."⁹⁸ The second "Dartmouth" testimony was by former classmate William C. Chamberlain, who once again recalled the "defense of Russia" conversation he had had with Remington during their freshman year. At the mention of this conversation, attorney Chanler quickly reminded the court that Remington had been just seventeen years old at the time. Chamberlain nonetheless recalled Remington saying that even though he was a pacifist, he might fight for Russia if she were attacked.⁹⁹ What makes this conversation barely tenable as evidence, however, was

Chamberlain's repeated admission that Remington backed down from this position, arguing subsequently that he probably would not even fight for Russia.

The comment to Kelley sounded like the type of facetious remark Remington said he gave when confronted with political questions about his Communism. The remark to Chamberlain seemed like the kind one might make during a college bull session, when one might feel at liberty to be ideologically irresponsible. Yet, in the spirit of the time, Chamberlain, a Marine lieutenant, would not allow that Remington might simply have been acting argumentatively--despite the facts that Remington had been captain of the freshman debating team and that they (Chamberlain and Remington) had held long discussions and arguments that year. The defense countered this Dartmouth evidence, as it had in the loyalty hearing, with the testimonies of Remington's former classmates William Goodman and Charles Davis. They testified about Remington's rejection of the ASU's radical tendencies, and of their subsequent formation of a "Liberal Club" as a substitute. Goodman also managed to unearth a ten-year-old Christmas card from Remington in which the latter, in reference to the Russo-Nazi alliance and the Russian invasion of Finland, said that he "wouldn't touch Russia with a ten foot pole."¹⁰⁰

In an effort to use every possible ideological

angle, the defense produced Remington's parents, both over eighty years of age, to testify about his religious training. They also asserted that their son and his wife had never done or said anything that would indicate they were Communist Party members.¹⁰¹

A noteworthy witness for the defense was Bernard Redmont. He strongly backed Remington's account and called Bentley's story "nonsense."¹⁰² He denied that he told Bentley he was a Communist; that the Remingtons suggested he join the Communist Party; or that he had had correspondence with Remington since the Bentley meetings. His story matched Remington's as far as the Bentley relationship was concerned. He claimed to know her as Helen Johnson, a free-lance writer for papers such as PM, and said that he gave her three or four interviews dealing only with non-secret information.

The TVA period was important to the government's case for several reasons. For one, it was when, according to Mrs. Remington, her ex-husband joined the party. For another, it was the only time during the ten-year period for which there was corroboration about "party" activity--other than the money payments given to Bentley. Yet, as has been shown previously, the government had difficulty piecing together an integrated story of Remington's activities there. As it was finally presented, the government's TVA case was thin on evidence and barely

corroborated. The only issue on which there was any agreement was Remington's alleged attendance at party meetings at Betty Malcolm's house. Malcolm, it will be recalled, was the wife of Kenneth McConnell, the self-professed founder of the TVA Communist Party unit.¹⁰³ Yet even here, the corroboration was limited. By the defense's account, which was not disproven by the prosecution, Remington was only present for two weeks of Betty Malcolm's stay in Knoxville. This fact, along with Bridgman's testimony about the meetings being every week or two, greatly limited the time span under consideration. The two witnesses who placed Remington at these meetings were Howard Bridgman and Christine Eversole Benson. Bridgman claimed that Remington attended two or three party meetings at Malcolm's. When cross-examined as to whether these meetings at Malcolm's might be confused with trade union meetings, Bridgman insisted he knew they were Communist Party meetings because he recalled a discussion of party membership and whether to hold an open party meeting.¹⁰⁴

However, one TVA witness for the defense, David Stone Martin, suggested that it was possible to attend such meetings and be neither a party member nor be aware the meetings were party meetings.¹⁰⁵ He claimed to have attended three or four such sessions, one of which he believed might have been at Malcolm's house. He asserted

he had not been aware they were party meetings until his brother had later apprised him of the fact.

Benson also insisted that she would not confuse these meetings with trade union meetings because there were discussions of increasing party membership.¹⁰⁶ She weakened the effect of her testimony, however, by allowing that it was possible to attend such meetings and not be a party member. She admitted that it had been party policy to admit non-members as potential recruits.¹⁰⁷ Adding confusion to the TVA picture, and raising questions about the reliability of these "dated" recollections, were various other details and witness accounts. For example, Muriel Williams, another government witness claiming to have attended Malcolm's party meetings, did not recall Remington at such meetings.¹⁰⁸

Adding more confusion to the picture was the fact that Bridgman could not recall either Williams or Benson at any Malcolm meetings. The only basis for Williams' alleging Remington was a party member was her recollection of a cryptic remark by him which referred both to Kenneth McConnell's arrival at Knoxville and to his own departure. The remark was something to the effect that "he . . . [Remington] . . . was glad someone was coming to Knoxville to take over his work."¹⁰⁹ Williams did admit under cross-examination, however, that Remington and McConnell were also commonly engaged in Workers' Alliance work.

McConnell's conviction that Remington was a Communist Party member seemed almost as remotely based as that of Muriel Williams. According to the generally accepted dates of his arrival and departure, he only knew Remington for a two-week period in June, 1937, fourteen years prior to the trial.¹¹⁰ Furthermore, though he was one of the recognized founders of the TVA Communist Party unit in Knoxville, he could not recall seeing Remington's party book, membership card, or application forms; nor did he ever observe Remington paying Communist Party dues or attending meetings at his house. His view that Remington was a party member was based on four previously mentioned incidents which gave him the "impression" that his "relations with Remington were of the nature of those with a fellow Communist."¹¹¹ He did allow under cross-examination, however, that "fellow travelers" and others "close on the fringes of the Communist Party . . . contributed to the Communist Party and performed the jobs required by party members."¹¹²

Perhaps the most damaging TVA testimony was the allegation by former TVA employee Rudolph Bertram who stated that Remington tried to recruit him into the Communist Party. According to Bertram, Remington rationalized the recruitment by arguing that since he (Bertram) and the Communist Party had a mutual interest in labor, the Party was the proper place for him.¹¹³ While

recalling a thirteen year old, half-hour conversation is a difficult task at best, there were certain circumstantial elements which gave the conversation saliency for Bertram. For one, it was allegedly the only private discussion he had ever had with Remington.¹¹⁴ For another, it was the sole conversation he had with anyone at Knoxville about the Communist Party. Bertram dismissed Remington's version that he (Bertram) was confused about a conversation dealing with the TVA's transfer from the AF of L to the CIO by saying that he had never had such a discussion with Remington.

Giving an unexpected boost to Bertram's account was testimony given seven years earlier by defense witness David Stone Martin. Martin, who had earlier been valuable to the defense's case, proved to be something of a liability when the prosecution confronted him with an account he had given the Dies Commission in 1943. He had told that committee that it was "a well-known fact in Knoxville" that Remington was a Communist and, that he "approached everyone in Knoxville and asked them to become members of the Communist Party."¹¹⁵ When confronted with the contradiction in his two stories, Martin responded somewhat ambiguously, describing his reply to the question as "loose" and "poorly chosen,"¹¹⁶ and arguing that he might have jumped to conclusions.

Matters reached another low point for the

Remington defense with the testimony of FBI agent William Cornelison, who gave detailed accounts of when, how, and against whom Remington had proposed to inform. The effect of this surprise testimony was quite shattering according to defense attorney Rauh.¹¹⁷ Cornelison also presented three discrepancies between the story Remington allegedly told the FBI and his later trial version of the facts. According to Cornelison, Remington at first: denied being introduced to anyone by Joseph North;¹¹⁸ asserted that he did not meet Bentley at any time other than with Golos in New York;¹¹⁹ and denied that he gave her money other than small change or the loan of a dollar.¹²⁰ While such contradictions of his later story might be partially attributed to nervousness about his sudden FBI espionage "grilling," they nonetheless were dramatic inconsistencies.

The government made a major effort to substantiate Bentley's espionage charges. They sought to do so by attempting to prove two things: one, that the garbage formula was considered seriously enough to warrant a classified or secret rating; and two, that Remington had had access to the aircraft data which Bentley claimed he gave her. They achieved mixed results in both attempts, though their effort with the latter was a partial success.

To testify concerning the formula, the government

produced Ralph Austrian, who had been Chief Planner for the Planning Board of the WPB. According to Austrian, the process for manufacturing gasoline (and later rubber) from garbage had been given "long and serious consideration"¹²¹ during 1942 and 1943 because of the acute shortage of gas and rubber. He asserted that everything connected with the process had been classified,¹²² and recalled Remington being present at Planning Commission meetings when the matter was discussed.¹²³ He also maintained that he had no knowledge that it was a "laughing matter"¹²⁴ at the WPB. The government also produced a letter to the patent office requesting that the process be placed in the secret category.

The defense, however, was able to produce three witnesses who contradicted Austrian's contentions about the formula. Bertrand Fox, who had been in charge of screening requests for materials at the WPB, said that the formula was commonly "regarded as a joke," and that as far as he knew "it was never classified."¹²⁵ Charles Hitch, another defense witness who was on the Planning Commission of the WPB, agreed with Fox about the formula's status. He stated that it was "not seriously regarded," and that "most people regarded it as a crackpot scheme."¹²⁶ Thomas Blaisdell, the third defense witness on the matter, had also been on the Planning Commission. He argued that despite the patent letter, he was of the opinion that the formula was not

considered classified.¹²⁷

The obvious impression produced by these varying "formula" testimonies was that there were differing conceptions about its status. This worked to Remington's benefit since it gave plausibility to his view that the Planning Commission had not taken the formula seriously.

The government was more successful in establishing that Remington had access to the airplane production data Bentley said she received. However, a number of questions were still left unanswered, such as whether Remington actually used the material and whether this was the very material Bentley received from Remington. William C. Nemeth, another WPB Planning Board official, testified for the prosecution that during the week March 1 - 6, 1943 Remington had been assigned to work on the aluminum supplies needed for airplane production.¹²⁸ Edwin A. Locke, a WPB Planning Board official, added that for such work, Remington would have needed to use the B-L airplane production schedules kept by the WPB.¹²⁹ These schedules showed the following: the breakdown of production with reference to types of planes, the names of the production companies, and the various foreign countries which had contracted to have the planes built.¹³⁰ The data on this chart somewhat matched the aircraft material in Bentley's account, which, it will be recalled, described airplane production charts and figures showing "distribution of the

theaters of war, . . . expected output, and details concerning their performance."¹³¹ It seemed to go part of the way toward refuting Remington's denial that he had had access to such information. The defense countered these testimonies, not entirely successfully, with accounts by Thomas Blaisdell and Bertrand Fox, both of whom had been Remington's superiors at the WPB. The former stated that he had not used such charts, did not have them in his office, nor "could ever remember calling for their use."¹³² Fox partly refuted Bentley's description of the Remington airplane data saying that he had "no knowledge of anyone in the WPB having access to information"¹³³ concerned with the allocation of finished airplane products.

A dramatic breakthrough for the defense occurred with the unsolicited appearance of two witnesses from Devin-Adair, the publishing company that had contracted to do Bentley's book. The first to appear was Lela Sefa, an employee who had handled correspondence and manuscripts for the company. She testified about the existence of an original Bentley contract (subsequently "burned")¹³⁴ which included Brunini, and which designated that he would receive a percentage of the profits. She also testified that she had been told by her boss, a Mr. Gerrity, that Brunini had earlier agreed to the stipulated fee. The other woman, Eileen Collins (the publicity director at Devin-Adair), testified that both Bentley and Gerrity had

told her of the existence of the earlier contract described by Sefa.¹³⁵

In response to such testimony, defense attorney Chanler immediately moved to dismiss the indictment on the grounds of "gross impropriety"¹³⁶ in the grand jury. Though the motion to dismiss was denied, the startling information later provided the impetus and justification for an examination of the grand jury minutes--which probe would ultimately lead to a successful appeal.

The WPB witnesses were the last in the long trial which covered thirty-two days and involved thirty-seven witnesses. All that remained were the judge's charge to the jury and the attorney summations.

Judge Noonan's charge was described by the New York Herald Tribune as "exemplary."¹³⁷ Yet it seems far from such. He rather disingenuously contended that espionage was not the issue in question after presiding over a trial dominated by that question. He maintained, perhaps simply for the record, that even if the jury found such a crime had been committed they "must acquit him unless they are convinced he lied"¹³⁸ about the membership charge.

Another half-hearted show of providing judicial direction was his charge that in finding Remington's guilt, "the act of joining . . . [the party] . . . is crucial."¹³⁹ The timing of this "sudden" concern for specificity was odd

considering that from the beginning he had not only failed to require guidelines for membership, but had also allowed a broad latitude for testimony and evidence relating to the issue. However, his urging that the jury "must find . . . [Remington] . . . performed the act of joining the party" was not what it first seemed. In his elaboration of the point, Noonan retreated in rather muddled reasoning to a vague concept of "joining." He told the jury that by "act of joining" he had not meant "to say that . . . [the jury] . . . must find evidence of the very act of joining the party, but rather that from all the evidence . . . [it] . . . must be convinced that he was in fact a member of the party and was accepted as such by the party."140 ..

What at first had seemed an effort to focus on a specific action--that of joining of the party--became blurred by Noonan's qualifying explanation. The status of membership thus remained as nebulous as ever, lacking a beginning or joining. Noonan's charge here seemed little more than a last-minute effort to achieve the appearance of specificity, for the record.

A third point in Noonan's charge which seemed quite misguided was his comparison of possible motivations for the Bentley and Remington testimonies. After he acknowledged Bentley's potential book profits as a motivating factor, the attempt to establish a parallel in the "interests" of the two seemed a gross overcompensation.

In a speech which came across as pointedly suggestive, he stated that: ". . . Remington, as the defendant, . . . [also] . . . has a great interest in the case," and that this "interest" "should be considered in determining his credibility."¹⁺¹ He then went on to say:

The interest of a defendant [Remington] creates a motive for false testimony--the greater the interest, the stronger the motive, and the interest of a defendant is of a character possessed by no other witness and is a matter that may seriously affect the credence given to the testimony.¹⁺²

Noonan appeared to try to undercut the defense's case by diffusing the impact of their Bentley-Brunini "bombshell." He did so by attempting to divert, without any apparent justification, the focus away from Bentley and toward Remington and his supposed motivation for false testimony. One might ask, however, whether Remington was not equally motivated to give true testimony. Noonan seemed to be making a dubious and highly prejudicial analogy between Remington's basic motivation of self-defense, which seemed self-evident and hardly worth mentioning, and Bentley's monetary motivation, which seemed extraordinary and questionable.

The attorney's summations were lengthy and predictable. Chanler's account, which lasted two hours and forty-five minutes, began with an attack on the government's failure to require a definition of Communist Party membership, arguing that "a fair trial is

impossible"¹⁴³ under such conditions. Chanler raised the question of whether one could lie about such a status if it was something "vague and uncertain."¹⁴⁴ He also launched what the Washington Star described as a "bitter attack"¹⁴⁵ against Bentley, asserting that "she lied about Remington to protect her financial interests in her lectures and articles," and that "without an indictment she would have been proven a liar."¹⁴⁶ He then proceeded to counter each of the prosecution points. He cited Remington's youth, saying that he was just "a young kid" when he met with her. He also pointed out that the Remington-Bentley relationship was similar to the latter's relationship to Golos in that both were based on deception about the gathering of information for book research. He brought up the significant point that Remington knew he was under investigation by various agencies (FBI and CSC) while he was meeting with Bentley. According to Chanler, this made it unlikely that Remington would meet with a known spy. All of which facts, Chanler said, reinforced the defense's position that the meetings were innocuous and that the information given was "perfectly proper" to hand over.¹⁴⁷

Chanler argued, furthermore, that it had not been proven that the aircraft charts had been in Remington's possession. Other points he made included the following: that campaigning for Communist Party candidate Browder,

even if it did occur, did not necessarily show membership; that David Stone Martin's statement that Remington was a well-known Communist in Knoxville was merely "a hasty conclusion"¹⁴⁸ given while applying for a government position; and that Bertram had mistakenly interpreted a labor argument over the AFL-CIO factions as a Communist Party recruitment effort. He referred to the whole Knoxville phase of the case as "kid stuff,"¹⁴⁹ and argued there was no proof Remington had either attended meetings or been a party member there.

He dismissed Ann Remington's story as the testimony of a biased woman whose marriage had broken up. He summed up his argument by saying that "there was not one shred of direct, affirmative evidence" against Remington, and that if it were "a normal case," one "couldn't hang a cat"¹⁵⁰ on the evidence. He closed with an appeal in the name of civil liberties and American Democracy, to "reduce the public hysteria and fear" by resisting the pressure to convict the accused "just because he is charged with being a Communist." If they fall to such pressure, according to Chanler, they would be guilty of "selling the soul of America."¹⁵¹

Saypol's summation lasted two hours, and reiterated that the following alleged actions were suggestive or indicative of Communist Party membership: Remington's attendance and active participation in closed

Communist Party meetings; his acceptance of party discipline; his assistance in party recruitment, and "consorting" and befriending of "high Communist officials" over a period "of many years"; his payment of party dues; and his "stealing of confidential and classified information"¹⁵² for the sake of the Communist Party.

Saypol defended his refusal to define Communist Party membership by arguing that it would have required him to "disclose government evidence."¹⁵³ He attacked the defense's argument that a party card was necessary for Communist Party membership saying that it "was the equivalent of saying that a person was not a human being or was never born unless he had a birth certificate."¹⁵⁴

Saypol attacked Remington, calling his testimony one lie after another. He also placed much stress on the Knoxville testimony, saying that the assertion of his membership there "had not been contradicted by a single witness," and that the government "could have rested its case after the Knoxville witnesses' testimonies."¹⁵⁵

A guilty verdict was subsequently reached by the jurors after only four-and-a-half hours of deliberation.

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CHAPTER 26

THE FIRST APPEAL

The press generally applauded the verdict. There was eagerness in some quarters to extrapolate about the broader significance of the case. The New York Herald-Tribune praised the trial as "conducted with evident fairness in the best tradition of American justice" and described the verdict as one that "will leave no uncertainty in the public mind."¹ One juror echoed the theme of certainty about the decision, saying that there was "not much debate about the verdict."² The Herald-Tribune's allusion to the "public mind" suggested that the public was some kind of ultimate tribunal of justice for the case.

A prominent point in the commentaries was the importance of the espionage charge for the verdict. One juror, for example, admitted to the press that "Remington's activities with Elizabeth Bentley and Golos were considered important evidence against him."³ Despite his previous disclaimer, Judge Noonan argued (in support of the decision to give Remington the maximum penalty of five years and a \$2500 fine) that there was more than mere party membership

in question at the trial. He stated that Remington's perjury conviction concerning Communist Party membership has "necessarily involved the proof at least of the defendant's disloyalty."⁴ No elaboration was given for this conclusion, but it exemplified once again the prevailing equation of party membership with treason.

Saypol, in his demand for the maximum penalty, made an even more extreme accusation, asserting that there was, "intertwined" with the perjury conviction, "the terrible hurt he's done to our country in betraying his trust by participating in the delivering to a foreign agent of important secrets of our government."⁵

There was naturally strong support for the verdict from anti-communist congressmen and newspapers. This reaction had two themes: 1) that the verdict showed the failure of the Truman Loyalty Program to weed out Communists from the government; and 2) that the conviction of "New Dealer-Communist" Remington confirmed the Republican contention that the New Deal had fostered, and been riddled by, Communists.⁶

Senator Joseph McCarthy, however, found the verdict and sentence inadequate. Focusing on the fact that Remington's Department of Commerce job had involved exports to Eastern Europe, he commented: "No one will ever know how many American boys have died because Remington was in charge of licensing war materials to Communist countries."⁷

This statement not only distorted the nature of Remington's job, but also ignored the general testimony (including that given by his wife) that Remington had been strongly anti-Communist since 1945. McCarthy also tried to give Remington a "broad brush" smearing, asserting erroneously that Remington had been "working closely with the Service-Acheson crowd in the State Department."⁸

The Loyalty Program was labeled a "farce"⁹ by Senator Homer Ferguson, and Representative Donald L. Jackson of California agreed that ex-Loyalty Review Board Chairman Seth Richardson should be disqualified from his new position as head of the Subversive Activities Control Board, the body supervising the registering of Communists under the McCarran Internal Security Act.¹⁰ Senator George W. Malone of Nevada sarcastically commented that the Remington case suggested that it "almost seems that a question about one's disloyalty is essential to getting a high government post."¹¹

Two Washington papers, the Times-Herald and the Daily News, put particular stress on the Remington case as symptomatic of the New Deal's Communist infection. The Times-Herald described Remington as "a typical New Deal career man" who "started down in the TVA drawing pay from U.S. taxpayers and spending time promoting Communism."¹² The paper cited the case as further evidence that "there can be no doubt that a gigantic Communist conspiracy has

worked for twenty years inside the United States government."¹³ The Daily News viciously described Remington as "joining the odiferous list of young Communist punks who wormed their way upward in government under the New Deal."¹⁴

The defense reaction to the verdict was mixed. Attorney Rauh felt they had made a good fight for an important civil liberties cause, though he bemoaned the revelation of Remington's informing letters to the FBI.¹⁵ In a note to William Chanler, he called Remington's letters "the only sour note" of the trial and lamented that they "have unfortunately stripped a good deal of the lustre from our case."¹⁶

Remington himself voiced disgust and disillusionment. He told Rauh that he had been "sure of victory" until the end based on "the law, the evidence and . . . the facts." He also expressed his "disgust with the Department of Justice, the courts, and the general state of hysteria in this country."¹⁷

The defense planned, however, to make a vigorous appeal of the decision. Rauh believed that the case was "a matter of the first importance to the civil liberties of America."¹⁸ The key civil liberties issue at stake, he said, was "whether a man accused of being a Communist or disloyal . . . [could] . . . get a fair trial today."¹⁹ A New York Herald-Tribune discussion of the Remington case

suggested that the answer to Rauh's question may have been a negative one. The paper asserted:

An appeal of the decision will be taken, but it seems very unlikely that the popular estimate will be changed.²⁰

The Tribune seemed to suggest a public state of mind so set about the case as to be oblivious to the merits of any hearing or appeal.

Rauh focused the main thrust of the appeal on what he felt was "by far the most important question in the case"--namely, whether a man could be convicted of perjury for denying he was ever a member of the Communist Party ". . . without ever being given the definition of that membership which he denied."²¹ Rauh's appeal brief cited the court's admission that Communist Party membership "will just defy definition,"²² and argued cogently that if such membership is "incapable of precise definition, the indictment does not allege a crime and must be dismissed."²³ The perjury indictment, according to the brief, became one in which the government did not show "with certainly what . . . [it] . . . claims the truth to have been."²⁴ Also attacked was the fact that the indictment failed to allege "when, or where the defendant had allegedly been a member."²⁵ Rauh then proceeded to encapsulate rather neatly the indictment's major flaw of vagueness:

Thus there exists a situation where he is indicted for perjury in denying he ever held an undefined and

undefinable legal status in an organization which he joined at some time or times unknown and by some branch or unit of the organization, likewise unknown.²⁶

The brief argued convincingly on technical grounds that the vagueness of the indictment did not provide "due process of law" because of its failure to "apprise either the defendant or the court of the nature or cause of the accusation as required by the 6th Amendment and the Cruikshank case."²⁷ The 6th Amendment was cited for its imprimatur that: "In all criminal prosecutions, the accused shall enjoy the right . . . to be informed of the nature and cause of the accusation."²⁸ Also cited was Rule 7(c) of the Federal Rules of Criminal Procedure (described as designed to implement the 6th Amendment) which stated that an "Indictment . . . shall be a plain, concise, and a definite written statement of essential facts constituting the offense charged. . . ."²⁹ The case of U.S. v. Cruikshank also addressed the question of what constituted the "proper indictment" and what its purpose should be:

. . . every ingredient of which the offense is composed must be accurately and clearly alleged. . . . The object of the indictment is first to furnish the accused with such a description of the charge against him as to enable him to make his defense.³⁰

The appeals brief also criticized the court's failure to "instruct the jury as to what facts constitute membership in the Communist Party."³¹ This failure, according to the brief, left it for the jury to decide,

"without any guidance whatever," such questions as "what might or might not constitute membership in the Communist Party . . . [and] . . . what evidence might constitute proof and what might constitute corroboration."³²

The brief concluded by speculating about the unfortunate possible consequences of such a flawed trial:

In all probability there are twelve different versions of the above answers to the questions, and at least two different versions of when and where the defendant was a member--unless, as more probably . . . [happened] . . . the jury merely concluded that with such a mass of suspicious circumstances, the defendant must have been a member at some time or other and let it go at that. . . . Obviously the jury can't have drawn any distinction between direct and circumstantial evidence.³³

The defense team felt confident about their chances of an appeal victory. Chanler felt reversal was "almost certain," while Rauh felt there would be a victory, with "a 50-50 chance of a new trial and an outside chance of a complete acquittal."³⁴

Their confidence was justified on August 25, 1951, when the three-man appeals court, made up of Judges Learned and Augustus Hand and Thomas Swan, unanimously threw out the conviction. In a twelve page opinion, Judge Swan cited "the inadequacy of Judge Noonan's charge to the jury"³⁵ as the basic reason for the court's reversal of the conviction. In elaborating on that point, he called the charge "too vague and indefinite to constitute any definition at all of what facts the jury must find in order

to convict the defendant."³⁶ He continued on this point, saying:

We do not see how the perjury rule can in practice be applied at all in such a case as the present one, unless the judge shall single out such 'overt acts' as furnish a rational basis for inferring what the accused thought constituted membership, and which were supplied as the rule requires, and then instructed the jury that unless they believed the testimony on such facts . . . and that they think because of it . . . the accused must have believed he was a member, they can't find him guilty.³⁷

The Court also concurred with the appeals point that the indictment had failed in one of its most important objectives, namely that of informing the defendant of the full nature of the accusation against him.³⁸ Swan wrote:

. . . the accused never learned until the filing of the government's brief on appeal what acts the prosecution would contend showed that he believed himself to be a Communist Party member . . . The defendant did not know even at the end of the government's case what he had to meet--he could only guess what the prosecution . . . case would be.³⁹

It is interesting to note that Rauh's reaction to the appeals victory contrasted markedly with Senator Ferguson's response to the original verdict. The latter had praised the verdict for its allowance of "looseness" in the charge. As he put it:

It establishes as a legal principle that to be a member of the Communist Party, and part of its apparatus, one doesn't have to be a card-carrying member of the party.⁴⁰

He had praised the Court's refusal to limit the evidence to narrow, specific details such as

"card-holding," calling it "a realistic view of the nature of the Communist conspiracy" recognizing "the underground nature of the Communist operations."⁴¹

Rauh, on the other hand, praised the Appeal victory for its strictures, which he interpreted as establishing the principle that one cannot be tried for being a Communist Party member "without defining Communist Party membership." Rauh argued: "The establishment of this principle alone would have made the fight worthwhile."⁴²

The Appeals Court did not dismiss the first indictment, however, nor did they grant acquittal. They thus left the government with two possible courses of action: to make an appeal of the decision to the Supreme Court, or to have a second trial. There were certainly hazards involved with each course. For one, there was a chance of suffering a major defeat in the higher court, particularly on the unsavory issue of the Brunini-Bentley relationship--a matter which the Appeals Court had not fully addressed. A retrial, on the other hand, involved once again the difficult matter of what constituted Communist Party membership as well as the questionable grand jury proceedings.

The defense options were simply to wait for the government's decision, or to seize the initiative with their own action. The defense decided to try to head off further prosecutorial action by petitioning the Supreme

Court for a writ of certiorari. As Attorney Rauh put it, it was "a very long shot," but their "best move in a difficult situation."⁴³ The key questions presented to the Supreme Court were basically those raised in the appeal: 1) the vagueness of the offense charged; and 2) the grand jury foreman's conflict of interest--and its possible corrupting effect on the indictment.

The government, faced with a potential quashing of the first indictment and the possible end to the prosecution, did not wait for a Supreme Court decision. It made the unusual move of issuing a new perjury indictment based on testimony at the first trial. The new charges involved the same basic elements of the first indictment, but they were designed to avoid the vagueness of the first indictment. The second indictment charged perjury on five specific counts: 1) denying that Remington gave secret information to Elizabeth Bentley; 2) denying that he knowingly attended Communist Party meetings in Knoxville; 3) denying that he paid Communist Party dues; 4) denying that he ever asked anyone to join the Communist Party; and 5) denying that he had knowledge of the existence of the Young Communist League when he was at Dartmouth.

The new indictment incited a vigorous public debate about the merits of such a legal action. In a public statement issued for Remington, Rauh described the move as "a transparent effort by the Government to avoid a

Supreme Court review of prosecution actions which can't stand the light of day." He also labeled it "a vicious device to avoid the time-honored rule against double jeopardy."⁴⁴ The ACLU supported the Rauh argument by issuing a public letter to Attorney General Howard McGrath, arguing that it was "astounded" at such a "shocking"⁴⁵ action. It voiced objection that the new indictment was "based on testimony given as a defendant in a prior trial for perjury on substantially the same issue."⁴⁶ For them, this was equivalent to double jeopardy and was "hardly consonant with American principles of justice and a fair trial."⁴⁷

Under this theory, prosecutions could always proceed under biased and prejudiced indictments for perjury, and then later claim that the defendant perjured himself in the trial by denying various matters constituting the crime. This may not be a matter of double jeopardy technically, but it is morally.⁴⁸

The government responded to such complaints with remarkable delicacy and solicitousness. It argued, for example, that the new indictment was designed with the welfare of the defendant in mind. Solicitor General Philip B. Perlman, acting as spokesman for the Attorney General, stated:

In view of the errors which prompted the reversal by the Court of Appeals, and in view of the situation occurring as a result of the charges against one of the grand jurors, we did not feel it fair either to Remington or to the Government to attempt to proceed further under the original indictment.⁴⁹

He asserted that with the government's dismissal

of the admittedly flawed first indictment there was no grounds for reasonable complaint, and he called the criticisms "unfounded and rather unfair to the Department."⁵⁰

The Washington Post supported the government's move, editorializing that the Justice Department "would have been remiss if it had decided not to try him [Remington] again." They felt that the new charges placed the case "on a less nebulous basis," which it called "a net gain."⁵¹

The ACLU countered Perlman's statement by calling the government's position one of "harrassment and unfairness."⁵² They argued against his (Perlman's) .. assertion that a perjury reindictment was not novel, maintaining that there was "no precedent" for an indictment which charged "perjury in the testimony given by a defendant in the course of a trial for perjury."⁵³

Neither the public arguments nor the Supreme Court appeal proved of any avail to the Remington defense, and on March 24, 1952, the Supreme Court opened the way for a second trial by turning down Remington's request for a writ of certiorari. It gave no reason for its refusal to review.

NOTES--CHAPTER 26

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CHAPTER 27

THE SECOND TRIAL

The second trial, which began in mid-January, 1953, was described by journalist Fred J. Cook as "swift, almost perfunctory"¹ compared with the first. It opened with the prosecution's three "TVA" witnesses--Howard Bridgman, Kenneth McConnell, and Christine Eversole Benson--testifying once again that Remington had attended Communist Party meetings at Knoxville. As in the first trial, the evidence relating to this period seemed stale and vague. While Bridgman claimed to recall Remington being at some sessions which he recalled as "Party" meetings, he could not remember Remington saying anything about Communism, nor for that matter, could he "recall any specific words on his part."² On the other hand he claimed to remember, for what it was worth, Remington's "gesticulating" at a particular meeting and that he could remember the seating of people at this particular meeting:

I recall sitting with my back to the window, that is, the front window of the room, with Todd on my right, and Betty Malcolm further on the right and Remington on the left gesticulating.³

Benson claimed, as she had at the first trial, that she had attended "party" meetings with Remington,

though again she recalled them being "open meetings,"⁴ i.e., open to non-Communists. She also admitted, on cross-examination, to having only an "understanding" that Remington was a Communist, and that she would "not state definitely that she knew him to be a member"⁵ of the party.

McConnell claimed to have seen Remington at what he described as a "closed"⁶ Communist Party meeting. The meeting, however, was at a different location from those attended by Benson and Bridgman. It thus proved to be a meeting concerning which there was no corroborating testimony.

As for the question of party dues, the government fatefully failed to obtain any TVA witnesses to testify about Remington's payment of dues. This was a significant failure because his year with the TVA was when Remington allegedly joined the Party. Indeed, even McConnell, a top official of the TVA branch of the party, stated that he never collected any dues from Remington.⁷

Mrs. Remington's testimony at the second trial was, like that of most repeat witnesses, hardly changed from the first trial. However, with different charges there were slightly different emphases.

In her discussion of the information given to Bentley, she made a somewhat less pointed assertion of its confidentiality. She reiterated her FBI statement that the

information Mr. Remington wanted to give was data Russia would have eventually gotten through official channels.⁹ She claimed that Remington felt, however, that through their "contact" arrangement, the Party "could pass it to Russia"⁹ more quickly. A change from her first trial testimony, and one which ought to have been to Remington's benefit, was her modification of Remington's description of the formula. Gone from her account was Remington's alleged characterization of the formula as "top secret." Her now testimony is simply that he "thought the formula could be useful to Russia."¹⁰

She gave further elaboration and detail about the dues payments, saying that it was she who brought the money on those occasions, and that Remington then gave it to "Helen" saying: "This is our dues."¹¹

Elizabeth Bentley's second trial testimony was described accurately by the New York Times as "a somewhat shorter version of her previous testimony . . . with comparatively little revision."¹² What is somewhat different, however, is her greater specificity concerning the alleged confidential information given to her. The obvious reason for greater detail was to make a better case for the new charge that Remington had given such information.

The greater elaboration is most evident in Bentley's description of the airplane charts and figures.

She gave such details as the following--that the charts:

. . . listed the planes by type, starting with Army planes in P variety, going down to B variety, going to photo and reconnaissance planes, and then down to Navy planes. It listed the status of production. It listed fields that they were going to, whether to the Allies or whether it was Army fields during the war.¹³

She also stated that he periodically passed on to her other such information "whenever he found out something that was of interest about how a particular plane behaved in the air or on the ground, or the defects of it."¹⁴ She elaborated a bit on the secrecy of the information and Remington's awareness thereof, citing for the first time Remington's supposed statement that "his neck wouldn't be worth very much if it was found out and traced back to him."¹⁵

One other interesting change in her story concerned Brunini's role in writing her book. When questioned about Brunini's help, she reacted impulsively (somewhat the way she had earlier responded about the Loyalty Board summonses) by making a summary denial of it and characterizing his contribution as "not a thing."¹⁶ At the first trial, it will be recalled, she had admitted that he had given her "a great deal of help."¹⁷

As in the first trial, the Remington defense strategy (now in the hands of new chief counsel John McKim Minton) began by "building up" Remington's character and by emphasizing the mitigating factors of his Communist

involvement. His religious background was again cited, with Remington himself emphasizing that he was the moving force behind his religious marriage ceremony.¹⁹ His "good character" was also stressed by pointing out that he had earned a large portion of his college expenses.¹⁹ Indeed, a good deal of time was spent trying to convey the industriousness of Remington's character. The latter pointed out the following, for example:

Before the first few days at college I was selling stationery and trying to find laundry routes. I also started working in the library. I was also a page. I also had a job cleaning up the grounds of the college and raking leaves.²⁰

Once again his youth and the traumatic times of the Depression were a point of focus. His age was even cited as contributing to his informing episode with the FBI, with Remington stating that he "wasn't yet 30 when the FBI first talked"²¹ to him.

With the above as background, the defense proceeded upon its primary task of countering the five charges.

As Remington had done many times before, he related the highlights of his years at Dartmouth and the TVA. The two charges of concern for the TVA period were attendance at Communist Party meetings and "Party" recruitment. In denying these charges, he continued to maintain that the accusations were due to misunderstandings and misapprehensions about his union involvements. He

described the TVA union as an "extremely active"²² one that was concerned not only with labor conditions within the TVA, but also with labor organizations in Knoxville, which was outside of the TVA. According to Remington, "lots of meetings," both formal and informal took place, with "many arguments and discussions about current topics of the time, especially labor problems."²³ He asserted that during that time he had "strong opinions and conclusions . . . on government ownership and the nationalization of resources,"²⁴ but that he "wasn't in favor of going beyond that point."²⁵ As for McConnell, Remington stated that he "did not know him as far as . . . [he] . . . knew,"²⁶ though he did recall him giving a talk which, to the best of his recollection, dealt with Spain.²⁷ He recalled Benson being "one of the most active members of the AF of L union,"²⁸ at whose house he attended meetings about the CIO drive in force at the time.²⁹ He remembered Bridgman as chairman of the Workers Education Committee, of which he was also a member, and recalled that they went to a "great many meetings together."³⁰ He again maintained, however, that neither Bridgman nor Benson had ever disclosed that they were Communist Party members, nor had they asked him to join.³¹

In response to the Bertram accusation about recruitment, Remington cited a conversation in which he (Remington) allegedly tried to convince the latter that the

"work of the TVA union and the Workers Education Committee . . . could be more effective if"³² the TVA union joined the CIO. According to Remington, what contributed to the possible association of such a conversation with the Communist Party was the fact that "the AF of L leaders charged the CIO faction with being Communists."³³

The two charges relating to his Dartmouth years were: whether he had knowledge of the YCL's existence; and William Wilgus' (a party organizer) accusation that Remington attended a Communist Party meeting in New Hampshire. Remington denied the Wilgus charge, saying it was confused with his involvement in a relief effort for striking Vermont marble workers.³⁴

Concerning the YCL charge, Remington denied the testimonies of ex-Dartmouth classmates Roscoe Giles and Lewis Holmes, and continued to maintain that he had no "underlying knowledge"³⁵ of the YCL's existence at Dartmouth. Evidence which the prosecution would successfully stress, however, was Remington's letter to ex-Dartmouth friend John Parke. In this note, it will be recalled, Remington had tried to convince the latter that he was not a YCL member. In the process of this argument, however, he asserted that he had been "convinced" another student was a "YCL organizer."³⁶ When faced with the implication of knowledge conveyed by the word "convinced," Remington insisted that he was only "convinced" with

respect to Schirmer (the other student), and that he had "no knowledge that . . . [he] . . . could call knowledge"³⁷ about the YCL at Dartmouth.

In response to Bentley's charges of passing secret information and contributing Communist Party dues, Remington exhibited a decidedly different tone and attitude from the first trial. He was humbler, less defensive, and was even at times self-critical. He also appeared to be trying to be as forthright as possible. He confessed, for the first time, that he was unable, "in all honesty," to say that he knew he had "made no mistake," and admitted that he may have been "indiscreet" in conversations with Bentley "in interpreting what was reasonable and proper to talk about."³⁸ It will be recalled that in the first trial he had insisted that the material given to Bentley had been from public sources. Such a strong assertion is absent here. He did state, however, that he could not remember "any specific instance" which he considered an "indiscreet disclosure,"³⁹ and he maintained that it would not have been intentional.

In a later discussion about the information given to Bentley, he again left open the possibility of an indiscretion by using the phrase "as far as I know"⁴⁰ as addendum to a denial about discussing non-public information.

Remington criticized his own reasons for meeting

with Bentley. He described his motivation as "partly bad," saying that it was "just plain ambition"⁴¹ and the desire to "develop some kind of contact with reporters."⁴² He said that it made him feel like he was "an important guy."⁴³ He wanted "to have people seeking . . . [him] . . . out to ask questions," and to become "a guy who knew the press."⁴⁴

With the charge no longer being that of Communist Party membership, Remington was willing to go significantly further in admitting a Communist attachment. While he had only been willing in the first trial to use the label "leftist" or "radical" to describe his ideology, he now freely used the word communist. Whereas in the first trial he only admitted to others viewing him as a Communist, he freely admitted at this trial to describing himself, even to his wife, as a Communist.⁴⁵ Not surprisingly, the prosecution pressed him about those new admissions. Remington carefully described his "communism" as a series of vague beliefs in what he called "the principles of philosophical communism."⁴⁶ These principles he described variously as Communist theories "about economic organization and social organization,"⁴⁷ such as: the belief in "nationalization of heavy industry;" the view that labor unions "could do no wrong;"⁴⁸ and the idea that the Federal government should "take direct responsibility for housing, . . . living standards and welfare."⁴⁹ He felt bold enough to admit to having had a "love of Russia," and

a feeling that she (Russia) was "making great progress toward improving the living standards for her population."⁵⁰

He sharply qualified these admissions on two counts. For one, he asserted that he held these views during only part of his Dartmouth years, and that he subsequently "outgrew them there."⁵¹ The second point emphasized was the distinction between "philosophical communists," like himself, and the "ordinary communism" followed by members of the Communist Party. The latter, he said, believed in such things as the "dictatorship of the proletariat" and the "overthrow of the government by force and violence."⁵²

One point that surprisingly remained a constant throughout his testimonies, since the earliest hearings, was the assertion that the only differences between his and Bentley's testimonies were "the denials about classified or secret information, Communist Party dues, and knowledge of her being a Communist spy courier."⁵³ The prosecution put surprisingly little emphasis on the other very crucial difference: Mrs. Remington's presence at several of the meetings.

For the espionage charge, the testimonies of ex-War Production Board officials, Edwin A. Locke and Ralph Austrian, once again proved vital. Their accounts dealt with such key questions as: whether the garbage formula and

airplane data were secret and if so, whether Remington was aware they had such a status; whether there actually existed aircraft documents like the ones Bentley claimed to receive from Remington; and finally, whether Remington had access to such information in his WPB work.

Austrian again contended that the formula, on which he himself had spent much time, was "quite seriously considered,"⁵⁴ and he denied that it was "ever regarded as a 'cracked-brain' idea."⁵⁵ As for Remington's awareness of the formula's classified status, Austrian argued that while Remington had "had nothing to do with"⁵⁶ it (the formula) in his work at WPB, he felt "sure" that Remington was at some of the Board's Planning Committee meetings when its secret status were discussed.⁵⁷ After first maintaining somewhat tentatively that he "thought"⁵⁸ Remington knew it was secret, he finally insisted, during defense cross-examination, that he was certain Remington had such knowledge.

Q. Can you say of your knowledge that he did [know about the secrecy order]?

A. He did. We all did.⁵⁹

Edwin A. Locke Jr. was an important witness because he presented documents which seemed not only to be the type Bentley had described; they also seemed to show that Remington may have worked with them when he was meeting with Bentley. The key exhibit was a government report entitled "The Weekly Summary of the Planning

Committee Staff." It was dated March 1-6, 1943, and Remington's name appeared on it. Under his name was a project labeled "Aluminum Supplies in Relation to the 8-L Requirements."⁶⁰ It was explained that "8-L" was a designation used for the government's aircraft production schedules. Locke testified that for one "to perform one's duties in connection with the aluminum supply, in relation to 8-L, one would need that volume (8-L) to perform his duties". When pressed by Assistant District Attorney Kilsheimer about a more specific assertion concerning Remington's use of this information, Locke backed down somewhat saying it would be an "assumption,"⁶¹ and that he neither knew "the actual work Remington was doing at this particular time in 1943," nor did he know "of his own certain knowledge whether he ever used or saw 8-L."⁶²

The prosecution proceeded at that point to focus on what the 8-L contained, placing blow-ups of three of the charts on an easel. These charts included Lend Lease destinations, such as China and the Netherland East Indies. The presentation was particularly significant because, as will be recalled, defense witness Bertrand Fox had maintained at the first trial that the WPB did not have access to such information.

While the appearances of Austrian and Locke provided support for some of the espionage issues, the testimony of repeat WPB defense witness Bertrand Fox once

again undercut some of that support. The end result seemed to be a series of unresolved points, and an undermining of an open-and-shut espionage case against Remington.

Concerning the matter of Remington's access to this aircraft data, Fox stated that, while he did not "know exactly what his [Remington's] assignment was," he felt that it was "perfectly possible that the assignment and work done by Remington might have been done without the 8-L book."⁶³ Furthermore, Fox continued to maintain, as he had at the first trial, that aircraft "allocations by theater" of war were "not a matter of responsibility of the WPB."⁶⁴ He was unable to deny, however, that the 8-L document contained data pertaining to the destinations of aircraft to various sectors of the war.

What remained ultimately unproven after all this testimony were several key issues: whether Remington ever had such aircraft data in his possession; and, if he did, whether it was he or someone else who gave it to Bentley.

The 8-L document was nonetheless important for the prosecution's case. It buttressed Bentley's aircraft data charge, which was one of the few relatively specific elements in her story. This circumstantial evidence, complementing (albeit indirectly) the espionage charges of Bentley and Ann Remington, was convincing enough for the jury to declare Remington guilty on this charge.

The charge relating to the Young Communist League was supported by the testimonies of the aforementioned Dartmouth classmates, Roscoe Giles and Lewis Jackson Holmes. Giles asserted that Remington and several others had recruited him into the group.^{ee}

Holmes said he remembered Remington being at at least one YCL meeting. While he admitted he could not recall any specific conversations at the meeting, he did recall Remington being "the one who had the authority, who knew best how to resolve . . . [the] . . . questions"^{ee} that arose.

These testimonies were thus mutually corroborative and suggested that Remington not only had knowledge about the organization, but that he had been a participant in its activities. The charge itself, however, was an odd one, relating to a matter so inconsequential that it had been declared irrelevant at the first trial. Adding to its peculiarity as a charge was the fact that it related not to the somewhat specific issue of membership, but to the much more nebulous one of knowledge about the organization's existence.

There were also problems with the integrity of Giles' testimony, which, unfortunately for the defense, were never revealed. Giles had previously told the FBI in a series of interviews that he had never even attended YCL meetings, and that he could not remember that it "had ever

met on campus"⁶⁷ while he was there. He went on to change his story completely during repeated FBI interviews blurring his distinctions between the ASU and YCL meetings. He acknowledged that he could not "say positively whether the gatherings were ASU and YCL because the members and leaders were about the same,"⁶⁸ and that at ASU meetings "any business dealing with the YCL was taken care of at the same time."⁶⁹ He described the meetings as "informal bull sessions" where people would often "drop in."⁷⁰ Giles went on to add: "I don't recall that it (the YCL) was ever formal. I don't remember having a card personally for the YCL."⁷¹

Such an impression of the group's informality was reinforced by another Dartmouth student, Charles Livermore, who, while he did not testify at the trial, told Rauh in an interview that the YCL meetings were "open meetings into which anyone could walk."⁷² Had these accounts of Giles and Livermore been heard at the trial, they certainly would have added validity to Remington's professed agnosticism about the group. However, with such accounts unavailable for the trial, the defense was unable to establish this point.

The jury found Remington guilty on two of the five perjury counts: of lying about his knowledge of the Young Communist League at Dartmouth and about passing secret documents to Bentley. On the two counts most directly

related to Communist Party membership--whether he had ever attended Communist Party meetings or paid party dues--the jury was undecided. In finding significant doubt concerning the two charges most directly related to party membership (those which Fred J. Cook described as the ones that would have "established officially that Remington had ever been a Communist Party member"),⁷³ the jury rejected, in effect, the findings of the first trial. The jury acquitted Remington on the fifth charge, ruling that he had not attempted to induce anyone to join the Communist Party.

Acquittal on the recruitment charge seemed based on the fact that Bertram's allegation was given only weak corroboration. No witnesses to the meeting existed, and the only other related testimony was McConnell's story that Remington had transported him to a meeting whose purpose was to meet potential Communist Party members.

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1. Cook, "The Remington Tragedy," p. 498.
2. Second Remington Trial Transcript, p. 84.
3. Ibid., p. 70.
4. Ibid. p. 96.
5. Ibid., p. 97.
6. Ibid., p. 133.
7. Ibid., pp. 137-138.
8. Ibid., p. 165.
9. Ibid.
10. Ibid., p. 179.
11. Ibid., p. 172.
12. New York Times, January 16, 1953, p. 1.
13. U.S. v. Remington, 208 F. 2d 248.
14. Ibid., p. 249.
15. Ibid., p. 251.
16. Washington Times-Herald, January 11, 1951.
17. U.S. v. Remington, 208 F. 2d 276.
18. Ibid., p. 524.
19. Ibid.
20. Ibid.
21. Ibid., p. 798.
22. Ibid., p. 534.
23. Ibid., p. 537.
24. Ibid., p. 538.
25. Ibid., p. 539.

26. Ibid., p. 535.
27. Ibid., p. 675.
28. Ibid., p. 535.
29. Ibid. p. 547.
30. Ibid., p. 544.
31. Ibid. p. 536.
32. Ibid. p. 554.
33. Ibid. p. 553.
34. Ibid., p. 540.
35. Ibid., p. 720.
36. Ibid., p. 722.
37. Ibid.
38. Ibid.
39. Ibid.
40. Ibid., p. 625.
41. Ibid., p. 626.
42. Ibid., p. 627.
43. Ibid.
44. Ibid., p. 771.
45. Ibid., pp. 547 and 716.
46. Ibid., p. 707.
47. Ibid., p. 664.
48. Ibid., p. 714.
49. Ibid., p. 715.
50. Ibid.
51. Ibid., p. 665.

52. Ibid., p. 543.
53. Ibid., p. 798.
54. Ibid., p. 352.
55. Ibid., p. 365.
56. Ibid., p. 367.
57. Ibid., pp. 366-367.
58. Ibid., p. 368.
59. Ibid.
60. Ibid., p. 424.
61. Ibid., p. 427.
62. Ibid., p. 431.
63. Ibid., pp. 867-868.
64. Ibid., p. 861.
65. Ibid., p. 339.
66. Ibid., p. 397.
67. Roscoe Giles, FBI Interview Summary,
December 15, 1950.
68. Ibid.
69. Ibid.
70. Ibid.
71. U.S. v. Remington, 208 F. 2d 405.
72. Rauh, Memorandum of Conversation with Charles
Livermore, September 13, 1950.
73. Cook, "The Remington Tragedy," p. 498.

CHAPTER 28

THE SECOND APPEAL

A second appeal was made, and once again the moving force behind such a move was Attorney Rauh. He felt a strong appeals point remained in the fact that "the conviction had a rotten base, namely the wrongdoing between Elizabeth Bentley and the grand jury foreman."¹ Rauh advised Remington, however, that an appeal would not affect the length of his sentence. It was his opinion that Remington would probably have to serve the full sentence, perhaps with some time off for good behavior.²

Before making the appeal, Rauh insisted (much to Remington's annoyance) that the latter reaffirm his innocence, adding the aphorism that "Guilty men often appeal; innocent men always appeal."³ Remington co-operated, despite the fact that the request "touched . . . [him] . . . in the raw."⁴ Remington wrote to Rauh:

I believe all my answers are true, taking into account the way I heard and understood the questions, concepts, and definitions . . . and taking into account the normal imperfections of memory.⁵

While he was not too "sanguine"⁶ about the appeal prospects, Rauh told Remington that he "had no doubt whatever . . . about the soundness"⁷ of its basic legal

argument and principle which he described as the only real grounds for appeal. He summarized that argument thus:

The Government, having procured an unconstitutional indictment, cannot reindict a man for what he said on the witness stand when under examination by government authorities who were in a position to question him solely because of an illegally procured indictment and their own suppression of information concerning that illegal indictment.⁹

What was required in the new appeal therefore was "a renewed challenge to the propriety of the Brunini-Bentley relationship."⁹ Rauh felt there was little chance of getting a favorable decision on the factual issues, i.e., those relating to the perjury conviction, because, as he told Remington:

Your answers were objectively wrong as the words 'knowledge' [YCL] and 'entitle' . . . [that he gave information to which Bentley was not entitled] . . . are commonly used, even though you honestly believed your answers were subjectively correct.¹⁰

The appeals points attacked the biased grand jury situation, citing specifically the Bentley-Brunini literary relationship. Rauh's brief once again argued the point that the success of Bentley's book depended on a Remington indictment.¹¹ Adding to the partial grand jury atmosphere was the fact that Thomas G. Donegan, the government's prosecuting attorney, had been Bentley's personal attorney in litigation arising from her espionage.¹² The appeal brief neatly summed up what it described as an atmosphere that "prevented the grand jury from functioning as an impartial and responsible tribunal:"¹³

. . . a professed and unpunished criminal and her collaborator foreman, along with her past and present counsel, worked in the jury room to bring an indictment for perjury of a person who dared to call her a liar.¹⁴

In addition to a biased situation, the appeals brief claimed partiality in action. The brief focused on Mrs. Remington's intense and lengthy interrogation, and cited the evident deception about her privileges against self-incrimination and concerning her confidential communications between husband and wife.¹⁵

The brief cited the government's cover-up of the Brunini-Bentley collaboration as a violation of due process, pointing out that Justice Black had so argued in his dissenting opinion on the first appeal. Black had said that the government's withholding and suppression of evidence favorable to the defendant was:

. . . abhorrent to the fair administration of justice. It approaches the type of practices unanimously condemned by this Court as a violation of the due process.¹⁶

The proof that the government was covering up was evident in both U.S. Attorney Saypol's description of the Devin-Adair witnesses as "liars" and in his "denial of any irregularities."¹⁷ A memorandum by Mr. Donegan describing the collaboration as a "serious problem"¹⁸ clearly showed a perception of irregularity on the part of the prosecution.

Finally, the brief argued its central constitutional point that the reindictment:

ought to be dismissed because it resulted from an

unconstitutional indictment and from the unconstitutional conduct of the U.S. Attorney which prevented the dismissal of that unconstitutional indictment.¹⁹

The Remington defense team was not optimistic about their appeals' chances. As Remington's libel attorney Richard Green pointed out, the odds were "always about 10 to 1 against success of a criminal appeal."²⁰ Bethuel Webster seemed to represent the general feeling of the Remington group when he said he supposed that "not even the Brunini-Saypol business is likely to overcome the judicial inertia at this late date."²¹

They were not surprised, therefore, when the United States Circuit Court of Appeals on November 25, 1953 voted by a 2 to 1 decision to uphold Remington's conviction. Judges Augustus Hand and Thomas W. Swan voted in the majority. In Swan's majority opinion, he rejected a number of points made by the appellant.

For one, he argued that it was "far from clear" that there had been "undue influence" exerted in the grand jury by the allegedly "interested"²² participants. Secondly, he contended that any possible misdeeds on the government's part would neither give the defendant license to lie, nor would it necessarily cause him to do so. As he put it:

We can find no authority to support the defendant's argument that perjury committed in a trial under a bad indictment cannot be prosecuted. . . . To call the perjury a fruit of the government's conduct here is to assume a defendant will perjure himself in his defense. It is difficult to see a causal relationship of the government misconduct and the defendant's act

of perjury during the trial.²³

As a final confirmation of their opinion, Hand stated:

Remington has been entrapped by his own acts . . . caught in a web of his own duplicity and the zealous prosecution by the government. We could not overturn his conviction where his guilt is clear . . . to do so would weaken our judicial process.²⁴

The defense's faint hope for a Supreme Court appeal was based on Judge Learned Hand's dissenting opinion. According to Attorney Rauh, Hand "went about twice as far as we did."²⁵ His strong dissent, which was actually longer than the majority opinion, advocated quashing the first indictment on the grounds of "entrapment" and "using evidence unlawfully obtained."²⁶ As shown in his previously cited discussion of the grand jury proceedings, Hand characterized Ann Remington's grand jury testimony as being procured by "oppression and deceit,"²⁷ saying of her interrogation that it "went beyond what . . . [he] . . . considered permissible."²⁸

As for the question of "entrapment," Judge Hand stated that it applied to the Remington case because the wrongdoing in the first indictment "allowed officials to punish a man for conduct they have incited or instigated,"²⁹ which was essentially the legal argument used by Rauh in his brief.³⁰

While the defense attorneys felt Hand's opinion provided some hope for certiorari--a "legal handle"³¹ as

defense Attorney Tabor called it--enthusiasm and morale were lessening. Attorney Rauh likened the prospect of starting on another Remington document to that of "having turkey the third day after Thanksgiving."32

Nevertheless, a petition for certiorari was made. The appeal to the Supreme Court used the second appeals arguments, buttressed liberally by allusions to Hand's opinion. The effort was again a futile one as the Supreme Court decided on February 9, 1954, not to review the case.

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1. Rauh to Robbins, January 30, 1953.
2. Rauh to A. Remington, February 20, 1953.
3. Ibid.
4. W. Remington to Rauh, March 16, 1953.
5. Ibid.
6. Rauh to W. Remington, July 31, 1953.
7. Rauh to W. Remington, February 20, 1953.
8. Ibid.
9. Ibid.
10. Ibid.
11. Second Remington Appeals Brief, p. 3.
12. Ibid., p. 4.
13. Ibid., p. 29.
14. Ibid., p. 30.
15. Ibid., pp. 24-26.
16. Ibid., pp. 37-38.
17. Ibid., p. 37.
18. Thomas G. Donegan, Memorandum, October 16,
1950.
19. Ibid., p. 36.
20. Green to W. Remington, October 16, 1953.
21. Webster to Rauh, August 19, 1953.
22. Petition for Writ of Certiorari, Appendix B,
p. 47.
23. Ibid.
24. Ibid., p. 50.

25. Rauh to Marshall, December 7, 1953.
26. Petition for Writ of Certiorari, p. 59.
27. Ibid, p. 56.
28. Ibid., p. 52.
29. Ibid., p. 58.
30. Ibid.
31. Tabor to Rauh, November 30, 1953.
32. Rauh to Tabor, December 3, 1953.

CHAPTER 29

REMINGTON IN PRISON

The final phase of the Remington story, his stay in prison, represents a serious breakdown of the justice system. Through a combination of unfortunate elements--expedient political decisions, flagrant mistakes, poor judgment, and negligence--the anti-Communist furor surrounding his case finally culminated in his murder. To compound the injustice, the government covered up the motive behind the murder to ward off the possible embarrassment, political reaction, and hostile investigation of the scandalous situation which had allowed Remington to be killed by a prisoner incited by an anti-Communist mania.

Remington began his three year prison sentence on April 15, 1953, while his second appeal was pending. He was sent to Lewisburg Penitentiary, despite his request not to be put in the same institution as Alger Hiss because, as he told government officials, he did not "want to associate with persons who have been Communists or involved in any way with Communism." While Lewisburg was not a maximum custody prison for confirmed criminals, like Alcatraz,

Leavenworth or Atlanta, it was far from the "model prison" or "country club" type of institution portrayed in the press by such a supposedly astute columnist as Drew Pearson.² It was a prison which officials knew had serious and dangerous problems.³ The decision to send people like Remington and Hiss into such a tough institution, rather than a true country club prison like Danbury (where ex-HUAC member Parnell Thomas was sent), was obviously a political one. In a confidential memo, James V. Bennett, Director of the Federal Bureau of Prisons, vaguely alluded to the pressures behind the decision saying that he had made the decision on Lewisburg "considering all the factors in the case."⁴ Insight into the "factors" referred to can perhaps be gleaned from U.S. Attorney Edward Lumbard's report arguing against Remington's parole. He stated that the defendant Remington had "committed a most serious crime" which was "in effect espionage."⁵ Furthermore Lumbard contended,

He did this while occupying a position of public trust and confidence. When confronted with the facts, the defendant did not co-operate in any way in an endeavor to uncover others who were engaged in such activities. . . . nor has (the) defendant yet showed any contrition or remorse for the wrong which he committed. . . .⁶

Also, of course, Remington had become a public "espionage" figure during the extremely tense Cold War period, which certainly encouraged a "tough treatment" attitude.

The problems and dangers of the Lewisburg penitentiary were so formidable that unless extreme care was taken with a "notorious" figure like Remington, there was great potential for trouble. The most serious danger at Lewisburg stemmed from the changing prison population. Lewisburg had been receiving, according to Director Bennett's memorandum to the Attorney General, "an increasingly high proportion of more serious and aggressive younger offenders, including serious behavior problems from the military installations and the District of Columbia."⁷ Bennett referred to the new inmate population as "very difficult," estimating that approximately 500 inmates out of a prison population of 1200 could be termed "difficult behavior cases" who were "susceptible to emotional changes and outbursts,"⁸ and who had committed such serious offenses as "murder, rape, and serious assault."⁹ Bennett gave some examples of "typical cases" of the problem inmate at Lewisburg, including the one below.

Case B.

A 20-year-old, assaultive, aggressive, young man from Washington, D.C., serving six consecutive sentences totalling 4 years to 12 years for Assault with intent to commit robbery and mayhem. He committed a series of unusually atrocious yoke robberies in Washington in which victims were viciously assaulted. One of his victims, an aged man, was so seriously injured, removal of an eye was necessary. He was transferred to Lewisburg after a series of difficulties in D.C. institutions. At Lewisburg he has been a very poor worker, has been involved in numerous disciplinary difficulties. He is belligerent and aggressive. He had several previous arrests and is wanted by military authorities for AWOL after release from the present sentence.¹⁰

Another problem which added to the potential for trouble was overcrowding. The prison was filled so much beyond its capacity that 130 inmates had to sleep outside of the prison walls in a farm dormitory.¹¹ Aggravating the overcrowding problem was the fact that the custodial staff was, in the words of prison officials, "spread too thinly to provide necessary supervision."¹² The prison population of 1200, of whom over 40% were estimated to be potentially dangerous, was thus watched by a custodial staff of only 187.

It was certainly a failure of the prison system that it took Remington's murder to make prison officials recognize that, as they later found, there were such "dangers inherent" in the above circumstances that "an impossible task"¹³ of prison supervision was imposed. In terms of staff and custodial manpower, the most glaring weaknesses were the following: "a severely limited staff of officers to supervise inmates; a restricted professional staff to diagnose, treat, and advise in the handling of abnormal and bizarre personalities; and insufficient personnel to maintain constant training"¹⁴ of the staff to meet changing conditions. Indeed officials later acknowledged that one of the factors that made the attack possible was the inability of the officers to keep all men under "close supervision."¹⁵

Lewisburg was not only understaffed and overcrowded with a heavy concentration of dangerous types; it had the additional problem of housing facilities unsuited to its new prison population. The prison had been built in 1931 during a time when the Federal Prison System was filled with prohibition violators and "less serious offenders."¹⁶ The housing quarters reflected "the needs of 25 years ago"¹⁷ in that, as prison officials put it, there was "a disproportionately small number of cells and rooms for individual occupancy" and "too large a proportion . . . (approximately 60%) of the open dormitory or squad room type."¹⁸ This, of course, made difficult if not "impossible," as prison officials put it, the task of providing for the needs "of prisoners who need close supervision or protection because of their views."¹⁹ The reference, of course, was to prisoners like Remington who were associated with Communism. Prison officials partially attributed the murder to the dangerously inappropriate living quarters described above saying: "The attack was possible because of the arrangement of the housing units . . . "20

If the above conditions verged on the dangerous for the average prisoner, they represented a virtual "tinderbox" for someone like Remington; for the prison, according to officials, was much affected by the anti-Communist furor of the period. In a letter to the

Attorney General, Director Bennett described "the institutional atmosphere at the time of the assault" as "tense" because,

. . . The inmates were aware of the Communist issue and it was a frequent subject of discussion following radio and newspaper accounts of occurrences and controversies over such matters.²¹

Adding to the tension over the "Communist issue," according to Assistant Director Alexander, was "the resentment of the impending discharge of Alger Hiss" which was being "highly publicized and discussed pro and con in the papers and on radio."²²

Thus, a combination of factors--the intensely anti-Communist atmosphere in the prison, the overcrowding, the inadequate staff, the inadequate and inappropriate housing, and the influx of more dangerous offenders--would seem to have made it obvious that unless a notorious "Communist" like Remington was carefully watched and segregated from the more volatile inmates, his life might be at risk. It was the failure to fulfill these crucial preventive conditions which was to lead to Remington's murder.

At the time of the attack Remington was housed in what amounted to an "honors" quarter. It was an open dormitory arrangement that was supposed to be for inmates who had "demonstrated qualities of responsibility, stability, and good adjustment to the institution and to

other inmates."²³ Yet in a serious error in judgment based purely on expediency, it was decided the above qualifications would be completely waived for those inmates, evidently no matter how dangerous, who were assigned to night duties. The decision to allow such a safety waiver was rationalized by the facts that the inmates working in those sections needed to sleep during daytime hours and that Remington's housing unit was quieter than most.²⁴ It was decided, therefore, that on the same floor, just opposite Remington's unit (I-32), which housed four "stable, well-adjusted inmates . . . of above average or superior intelligence"²⁵ were to be placed, in unit I-39, five inmates who were obviously dangerous. They all had had records of juvenile delinquency and "prior institutional commitments,"²⁶ and at Lewisburg had had "adjustment and discipline problems."²⁷ Not only were such dangerous men placed in close proximity to the "notorious" Remington, but they were also, in such an open dormitory situation, quite loosely guarded and given significant freedom of movement.

In what should have been at the very least a carefully watched experiment (the location of the "unqualified" inmates of I-39 next to the I-32 "honors" group containing a "notorious Communist" prisoner) prison officials saw no grounds for concern or extra protection despite Remington's mentioning, in letters censored by

prison officials, such things as the repeated thefts, mattress burning, and physical threats inflicted by the I-39 residents against the I-32 group.²⁸ Furthermore, as a result of such incidents, all of the I-32 residents had put in requests to move.²⁹ In addition, Remington had complained in his letters about how "bad cliques take over effective sway even in 'honors' quarters"³⁰ and had even voiced the desire for more adequate protection:

Ordinarily, any man detests the idea of being under surveillance. Here in many quarters, the relatively decent element often wishes to goodness there were more.³¹

The three I-39 roommates who later confessed to being involved in the attack ought not to have been given such liberties. Prison profiles of the assailants referred to each of them as "psychopathic."³²

George McCoy, the inciter of the attack, was a "real McCoy," belonging to the notorious feuding family of Virginia. He was described by prison authorities as "an unstable, assaultive, aggressive, and mentally deficient prisoner"³³ with an I.Q. of 61, who had been arrested innumerable times, serving three previous sentences for car theft, robbery, and carrying concealed weapons," and who had once escaped from an Ohio prison camp.

Lewis Caglo, Jr., who was not even seventeen at the time of the attack, was described by prison officials as a "dangerous young man" who is "unpredictable and

possessed of frequent and dramatic mood swings from exhilaration to depression."³⁴ Cagle had had a delinquency record since fourteen years of age, a record of "strong arm activities"³⁵ at two prisons, and, just two months before the assault, had been placed in segregation for fighting.

Robert Carl Parker, in penal institutions since the age of nine, was another prison escapee, having fled the Virginia State prison in 1951. He had been deemed dangerous enough to be sent to the Atlanta penitentiary for a period of time.

The prison authorities had thus provided the final ingredient for a murderous attack on Remington--close proximity to a dangerous and loosely supervised group of men, who were, moreover, impassioned anti-Communists.

From a review of the Bureau of Prison Report on the attack (never made public) and various letters of prison officials, one can piece together the basic background and details of the assault. According to Warden F.T. Wilkinson, McCoy "was incited by constant talk of Communism and when Communists were pointed out to him he decided they should be dealt with as 'we do down where I come from,'"³⁶ which treatment he later elaborated upon in his confession saying he "would like to line up a bunch of Communists and shoot them down with a machine gun just like cutting wheat."³⁷ According to McCoy's confession, he had been told several months before the attack that Remington

was a Communist. In the ensuing period, McCoy, Cagle, Parker and another roommate "adopted a policy of petty pilfering as an harassment"³⁸ to Remington and his roommates. Remington's roommates were singled out because it was assumed that since they lived with him they must be "Communist-lovers."³⁹ In addition to the theft of such items as fountain-pens, candy bars, and cigarettes, there were "hostile remarks"⁴⁰ made to some of Remington's roommates, one of whose mattresses was set on fire by Parker.

While prison officials had been unwise in exposing Remington to such neighbors, their failure to take any action after such "warning signals" as the mattress burning bordered on gross negligence. Nonetheless, no preventive action was taken, and on November 22, 1954, at approximately 4 a.m., McCoy sought out Cagle during their shift at the power plant and "challenged him to slug Remington later in the day."⁴¹

The following is the official account of what happened later on the morning of November 22:

McCoy and Cagle, after observing the officer complete an inspection tour of the floor, slipped into Remington's room where he was asleep after having worked the hospital night shift. They were accompanied by Parker, who went into the toilet area adjoining the room. Parker heard a thud, looked into the room and saw Cagle striking the sleeping Remington with a brick-in-sock weapon. McCoy then grabbed the weapon, and, with one terrific blow, struck Remington again on the head.⁴²

Remington died two days later after brain surgery

failed to alleviate the damage caused by the severe head injuries.

The Bureau of Prisons investigation of the attack quickly revealed both the identity of the attackers and their motive. Indeed, the likely motive became evident even before it was clear who had committed the assault. This is revealed in a letter by Frank Loveland, Assistant Director of Prisons, in which he reported the following on the very day of the assault (November 22):

They [the prison investigators] do not know who was responsible for the assault, although they know that there is a small group of inmates who have strong feelings against him on the grounds that he is or was a Communist.⁴³

The fact that the primary motivation of Remington's murderers might be "anti-Communism" represented political dynamite for the Justice Department. Already subject to charges of harassing and persecuting Communists and of exploiting and fomenting anti-Communism, the Justice Department might, in this instance, be accused of being at least indirectly responsible for the ultimate "persecution," namely murder. The Department had placed him in a dangerous prison, admittedly tense with an "anti-Communism" which they had helped incite by public statements and actions, and had failed to protect him adequately. The columnist Max Lerner, in a piece speculating about an anti-Communist motivation, suggested that the disclosure of such a motivation would have a

strong effect. He wrote:

. . . it might prove embarrassing to a Justice Department that had so implacably pursued Remington, but it . . . would help the rest of the country see what political hatreds lead to.++

Faced with the prospect of such a potentially volatile political scandal, the government chose to institute "a motive cover-up" which had three facets: one, silence on the grounds that the investigation and trial were pending; two, the sending out of "smokescreens" to divert and channel speculation away from anti-Communism as a motivation; and three, the release of a series of false or incomplete reports.

A comparison of what the government learned (and when) with what they were publicly revealing, offers a clear view of the cover-up in action. As shown above it was ascertained on the very day of the attack that a group of inmates had it in for Remington because of his Communist-related conviction. By November 24, the authorities essentially confirmed that anti-Communism was the primary motivating factor in the attack. This was clear in a letter from Bureau of Prisons Director Bennett to old-time Remington adversary William Rogers, then in the Justice Department, who was evidently "keeping tabs" on the matter. While allowing that the investigation was not yet complete, Bennett stated that there was convincing evidence not only that McCoy and Parker were the assailants, but

also that McCoy had been heard to boast "I'm going to get me a Commie"⁴⁵ and that McCoy and Parker had been seen crossing over into Remington's room that morning just before screams had been heard. Bennett isolated anti-Communism as the "murder" motivation, saying: "Apparently they bore no ill will against Remington other than that he was a Commie."⁴⁶ Wariness about the negative repercussions of the attack is implied by Bennett's comment to Rogers that the attitude of Remington's attorneys "up to now has not been hostile."⁴⁷

By November 28, 1954, Lewis Cagle, the third assailant, confessed to being involved. While Cagle admitted that they had gone into Remington's dormitory to steal commissary items, he maintained that this was merely incidental to the primary purpose, which was "to slug Remington whether or not he woke up."⁴⁸ Cagle did not mention hatred of Communism as a factor, but one of his roommates was cited in the prison report as stating that McCoy, Parker, and Cagle "were always talking about hating Communists" and that McCoy and another roommate "talked about killing Communists."⁴⁹

A November 29, 1954 confidential memo from Acting Warden F. T. Wilkinson to Director Bennett reported that Parker gave his confirmation to what had already seemed quite clear. He admitted that "the primary motive for the attack was because of hatred for Commies and that Remington

was considered to be a Communist."⁵⁰ On the basis of that information and the other information that he had gathered, Warden Wilkinson stated in the November 29 memo that it was his "conclusion" that "the assault was made primarily because at least two of the accused had a deep and inflamed hatred for people they considered to be Communists."⁵¹

Finally in his confidential report dated December 1, 1954, Assistant Director of Prisons Myrl E. Alexander compiled what would essentially become the definitive document on the assault. Alexander offered the following summary of the cause of crime:

The death of William Remington was the direct result of a brutal attack by three prisoners led by an aggressive, anti-social prisoner who was motivated by an obsessive passion to kill Communists.⁵²

What was publicly revealed, however, was a very different story. The first allusion or hint at any motivation was not made until November 26, four days after the attack, and it was apparently a "diversionary" report to distract the press and public. Norman H. McCabe, an FBI agent investigating the case, released to the press the highly misleading "half-truth" that the assailants had planned "to ransack Remington's room."⁵³ The release of this piece of information is significant on several counts.

For one, it shows a selective, rather than total, blackout concerning information gathered. The authorities were releasing only what they wanted to release. Second, the

information released left out the two most important pieces of information already gathered: namely, that assault rather than robbery was the primary goal, and, most crucial of all, that Remington had been singled out for the attack because he was reputed to be a Communist.

As a device for misleading the public, this report was a great success. The press, perhaps overeager for answers, overreacted to this preliminary "leak" by treating robbery as the definitive cause of the attack. The Associated Press reported that the FBI's disclosure "ended speculation that the slaying might have been an act reflecting anti-Communist" feeling in the prison. The United Press wrote that: "The robbery motive announcement halts the rumors that Remington's death may have had a connection with Communism."

In a series of false statements to local reporters, Acting Warden Wilkinson reinforced the cover-up. In a statement that could not be further from the ascertained truth, Wilkinson said:

It has been reported in the newspapers that Remington's death was a result of anti-Communist feeling, but we don't feel that we are experiencing that out here.

Wilkinson labeled as "hogwash" the reported stories that "groups of prisoners were going around 'looking for Communists.'"

Another theory was proposed in the press by

Remington's New York libel attorney Richard Green. Based on letters Remington had written his wife concerning prison cliques and feuds, Green made the summary and inaccurate conclusion that the death "resulted from involvement in prison quarrels, not from any resentment by fellow inmates of the Communist connections."⁵⁰ Green publicly offered up the inadvertently misleading analysis that it would be "illogical to say he was beaten up by an anti-Communist fanatic," and that it was instead the "usual pattern of gangs operating in a prison. No politics was involved."⁵¹ This kind of authoritative analysis from the Remington side, which reinforced the misleading and diversionary "official" reports, must have been quite pleasing to those managing the "motive cover-up".

There were, however, unanswered questions about the attack, such as why prisoners would want to commit such a vicious robbery when the victim had so little of value in his possession. Despite such remaining uncertainties, the government kept to its strategy of maintaining what Max Lerner called "a wall of silence."⁵² Lerner complained about such a policy saying: "We have the right to know whether Remington was the victim of men crazed by political hates or whether he was caught in a feud between two prison cliques."⁵³ A Washington Post editorial also lamented "the reticence of the Department of Justice and the Federal Bureau of Investigation to give the whole story," saying

that it "did not help the case."⁸²

The deception continued with a November 29, 1954 newspaper story updating the official account, falsely maintaining that "prison officials and the Federal Bureau of Investigation, along with U.S. Attorney J. Julius Levy . . . have been unable to determine the direct motive that led to the attack on Remington."⁸³ This press release came a day after Warden Wilkinson had confidentially arrived at the conclusion that anti-Communism was clearly the primary motive.

The cover-up was never publicly exposed. The murderers were never tried because the government accepted their pleas of second degree murder.⁸⁴ One can see how thoroughly the cover-up was maintained by looking at the last journalistic probe into the Remington case: Fred J. Cook's Nation essay of December 28, 1957 entitled "The Remington Tragedy--A Study of Injustice." Cook, an investigative reporter writing a supposed exposé of the case's injustices, uncovered nothing beyond the government's official false account of the murder, namely, prison gangsterism and robbery: ". . . evidence uncovered that gangsterism had been rampant in the prison" and "on the morning of the murder, the three . . . were rifling his cell. . . ."⁸⁵

Interestingly, at the time of the attack, describing the prison not inaccurately as a "tinderbox,"⁸⁶

Congressman Joel T. Broyhill (R.Va.) called for an outside investigation into the Lewisburg incident. His request was to no avail, pointing up the dramatic and telling contrast between Congress' zeal in pursuing supposed Communists and its apathy when the object of their pursuit was carelessly and abusively treated. The Bureau of Prisons did launch its own probe, but one would not expect too much fault-finding from so involved and interested an investigator. Indeed, the result was a remarkable whitewashing of itself.

The prison report cited some failures, acknowledging that it was "possible . . . to reason in retrospect that Remington's death could have been averted through a different series of decisions."⁸⁷ In addition, in their "Findings," which were never published, prison officials did compile a whole catalogue of failures and mistakes: the failure to take sufficient account of the tension over the Communist furor in general and the impending release of Hiss in particular; the failure to give extra supervision to "communist-related" prisoners and to segregate them better; the failure to have enough individual cells to protect such inmates; the mistake of putting unqualified night-duty inmates in the honors section; and finally the failure to provide adequate censorship of the mail in order "to detect evidence of personal danger."⁸⁸

Interestingly, despite all its failures, the Prison Bureau found itself and the Lewisburg staff blameless, stating ". . . we can find no basis for believing there was negligence, bad judgment or failure to abide by institutional rules or policies."as Most remarkable of all, though it seems consistent with the government's entire handling of the case, they placed the greatest blame for the tragedy on Remington himself saying:

Certainly if he had been more co-operative or less naive about those with whom he was associated and asked for protection or given voice to his misgiving he would still be alive.70

Once again guilt by association had arisen to haunt Remington -- even in death!

NOTES--CHAPTER 29

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p. 10.

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7. Bennett, Memorandum for the Attorney General, January 7, 1955.

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9. Ibid., p. 4.

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12. Bennett, Memorandum to the Attorney General.

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30. Ibid.
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32. Bennett, Memorandum to Warren Olney, April 19,
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33. Prison Report, p. 7.
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36. F. T. Wilkinson, Memorandum to Bennett,
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37. Bennett to Joseph Goldstein, November 22,
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44. New York Post, November 26, 1954, p. 10.
45. Bennett, Memorandum to William Rogers, November 24, 1954.
46. Ibid., p. 2.
47. Ibid.
48. U.S. Bureau of Prisons, Report to the Warden, November 28, 1954, p. 7.
49. Ibid., p. 10.
50. Wilkinson, Memorandum to Bennett, November 29, 1954.
51. Ibid., p. 2.
52. Prison Report, p. 10.
53. Sunbury Daily Record, November 26, 1954, p. 1.
54. Ibid.
55. Scranton Times, November 26, 1954, p. 1.
56. Sunbury Daily Item, November 26, 1954, p. 1.
57. Ibid.
58. New York Daily News, December 13, 1954.
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60. New York Post, November 26, 1954, p. 10.
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62. Washington Post, November 26, 1954, p. 14.
63. Sunbury Daily Item, November 29, 1954, p. 1.
64. Cook, "The Remington Tragedy," p. 499.
65. Ibid.
66. Scranton Times, November 26, 1954, p.1.

67. U.S. Bureau of Prisons, Memorandum for the Attorney General, January 5, 1955, p. 18.

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70. Ibid.

CHAPTER 30

CONCLUSION

This paper has had two basic goals. One has been to examine what actually happened in the Remington case. This has involved such questions as what Remington did or did not do, and whether he was guilty as charged. An objective related to this concern has been to gain an understanding of why the prominent figures in the case may have acted and responded the way they did.

A second goal has been to observe the government's prosecution of the case, focusing particularly on whether the Justice Department adhered to basic principles of the American justice system, and to what extent the anti-communist pressures of the time may have influenced the government to sacrifice some of these principles.

The results of seeking out the truth of the case have been somewhat inconclusive. There has been, so to speak, no "smoking gun" or new discovery to prove definitively that Remington was innocent or guilty of the charges against him. This concluding chapter will nonetheless venture an informed judgment about the crimes of which Remington may have been guilty. It will also

attempt to elucidate and analyze the what, why, and how of Remington's predicament.

For the second focus--the government's prosecution efforts--there is a more concrete basis for evaluation. It is the contention of this writer that through a combination of factors--circumstantial, political, and irrational--the government so compromised its standards of justice that it deprived Remington of his rights to due process and a fair trial--and ultimately sacrificed his most basic right--the right to life.

While it seems possible that Remington may have perjured himself on certain points, conclusive proof that he lied about the charges of his indictments seems lacking. The first trial charge of Communist Party membership was not, in this writer's view, proven beyond a reasonable doubt, primarily because a set of guidelines to verify such a status was never established. There were also no party cards or other documentary records ever brought forward to prove membership. The supposedly "tell-tale" actions cited (paying dues, attending meetings and recruiting party members) were hardly convincing, as is evidenced by the second trial jury's failure to vote a perjury conviction based on those charges.

The dues payment charge was weakened by Mrs. Remington's description of the payments as "not those kinds of dues."¹ She further undercut the evidentiary value of

the payments by maintaining that they (the Remingtons) did not have to give them.

The effort to prove Remington's attendance at party meetings was a failure, both as an indictment charge and as evidence of party membership. Attendance at meetings did not conclusively prove party membership because, as attested by nearly every witness on the matter, such meetings were generally open to non-members. Furthermore, the period when Remington was accused of attending such meetings (his TVA period) was so removed in time that the Loyalty Review Board even dismissed it as irrelevant to his loyalty case. Further weakening verification here was the fact that the twelve-to-fourteen year old testimonies on the matter were vague and contradictory, reflecting memories stretched almost beyond the capacity to recall.

The charge of party recruitment made by Rudolph Bertram did convey a strong implication of party membership, but the government lacked corroborative testimony. It is a charge which is somewhat impressive, nonetheless, because Bertram buttressed his account with assertions that the conversation was not only his sole discussion of length with Remington, but was also his only conversation ever on the subject of communism. The charge may thus be one of the issues on which Remington perjured himself--suggesting also that Remington may have joined the

Party in Knoxville. It is perhaps conceivable, on the other hand, that he may have helped recruit party members without himself being a member.

The charge relating to Remington's knowledge of the YCL is one that borders on the absurd. It seemed based on a matter of semantics--having more to do with Remington's use of the word "knowledge" in the sense of conclusiveness than with the issue of lying under oath. The stretched recollections of his ex-Dartmouth classmates suggest that the organization was as nebulous as the charge. One finds it quite remarkable that the second trial jury found this charge worthy of a criminal indictment.

While it is this writer's opinion that the government did not conclusively prove any of its charges against Remington, including the most crucial one of espionage, it does appear likely that Remington perjured himself on at least one, and perhaps several points. On which points, and why he may have committed perjury, are matters which are not entirely clear.

Remington seems most likely to have lied about his wife's presence at the Bentley meetings. As discussed earlier, this view is based on the unlikelihood that Bentley would have made up such a detail, and thus based her story on a false foundation. What this probable Remington falsehood proves is questionable. It can, and later will, be argued that it does not necessarily prove

the commission of espionage.

There are so many other discrepancies (between Remington's testimony and that of other witnesses) which he attributed to misunderstandings or misconceptions that one is suspicious, if only because of the sheer quantity of these differences. The following discrepancies might be characterized as "hard to believe": whether he knew Bentley's true identity and what she was up to; whether he knew the purposes of the Bentley donations; whether he had knowledge that his TVA friends were Communists; whether he attended party meetings or tried to recruit party members; and, finally, whether he ever actually did join the party. None of these were convincingly disproven by Remington, though, of course, the burden of proof was not legally incumbent on him. A question to be raised, however, is, if they were perjuries, why did he lie?

One theory that seems reasonably tenable is based on Remington's probable realization that actions like joining the Communist Party or meeting Communist officials --while once relatively innocuous during the 1930's and the wartime alliance of the 1940's--might be equated with treason during the Cold War era. He may have decided therefore, faced with an espionage investigation during such an hysterical atmosphere, that he could not admit to radical or communist behavior, thoughts or associations. In feeling forced to lie or shade the truth about ideology

or Party membership, Remington fell into the trap of a perjury indictment. Such a strategy of deception was both desperate and unwise. It underestimated the anti-Communist phalanx's zeal in probing one's past thoughts and actions, and, thereby risked the crime of perjury.

It was, of course, the espionage charge, prominently in the background at the first trial and an implicit charge in the second, which was the crucial one. It gave the case its notoriety, and was, in a sense, the only charge that mattered since there would presumably have been no trial without it. Like the rest of the charges in the case, it was neither conclusively proven nor disproven. It was an issue, like so many others in the case, about which one can only draw speculative or theoretical conclusions.

It is this writer's view that, while Remington may have told any number of untruths concerning the details of the Bentley episode, that he never knowingly gave information which compromised the security of the United States or gave priority to the interests of the Soviet Union. He did obviously exhibit poor judgment in giving any information to Bentley. It also appears that he erred, knowingly or unknowingly, in his selection of information to give her. Poor judgment seems shown, for example, in his giving Bentley the garbage formula, regardless of his claim, echoed by others, that the formula was generally

considered a "joke" at the War Production Board.

On the other hand, the vague and contradictory testimony concerning the aircraft data available to Remington makes the appropriateness of his actions therewith difficult to assess.

In an effort to gain a better understanding of the what, how, and why of Remington's Bentley predicament, it will perhaps be useful to review and try to analyze how Remington ever got to that point.

When Remington headed off to Dartmouth College in 1935, he had already developed an interest in social causes as evidenced by a prophecy in his high school yearbook. It forecast rather ominously that he would be a future "Union Square soapboxer" whose "fate" would be "to die a genius of the first water--unrecognized."² By his own account, Remington "moved left quite rapidly"³ as a freshman and sophomore, portraying himself to others as a "communist"⁴ and involving himself in such organizations as the American Student Union.

Clearly Remington was not a "closet" radical, as he would later seem to be after his marriage. He appeared instead to bask in the notoriety of his new-found "Leftism," flaunting it for its shock value in conversations and during vacations at home. Indeed, it became a kind of family scandal, leading, as will be recalled, to his uncle's reprimand to Dartmouth College for

its countenancing of such ideologies, and to his mother's request for advice from the College about how to deal with it. It was obviously a self-conscious radicalism. This phase of his life was later rationalized over and over again at his hearings and trials as a normal youthful tendency to crusade against the imperfections of the world. Furthermore, it was reasonably argued that during the Depression years of the 1930's, also known as the "Popular Front" period for Communists, that there was perhaps a greater tendency for these reforming impulses to be radicalized.

During the 1936-1937 school year, he left Dartmouth for work in the TVA--both to help earn money and to put his reforming spirit into action. It was here that his rebellion seems to reach certain extremes. He appeared to some at this point as a kind of "prototypical James Dean" who:

flitted about the countryside on a motorcycle. His clothing hung in rags, and his shoes were so dilapidated that he had to tie the flapping soles to the tops with pieces of string.

In Knoxville he became part of a professedly radical group of young people interested, among other things, in labor-organizing in the Workers Alliance, an organization of WPA workers. Many of this group, including Remington's roommates, admitted to having been Communists, either during or after Remington's departure.

Upon returning to college, he appeared to become more moderate in his political views. He began what he called his slow shift rightward, and abandoned some of his ASU friends, helping to found the more moderate "Liberal Club" on campus. He was also becoming a more ambitious, career-oriented student who sought to achieve Phi Beta Kappa and a Rhodes Scholarship. He had apparently left behind some of his wildness and irresponsibility.

Yet, on February 26, 1938, during his junior year, there came a turning point in his life: his introduction to his future wife, Ann Moos, at an intercollegiate conference on foreign policy. While Remington may have been in the process of becoming less radical and more career-oriented, that move seemed to become diverted at this point. Ann Moos, with whom Remington became enamored, was an ardent, recently-converted communist. Since what evidently impressed her at the time was communism, Remington admittedly sought to "snow" her with his radicalism, exaggerating involvement in labor violence in Tennessee, and bragging that he was a real radical, not just a "pinko." His wooing worked so well that she was willing to marry him even though, as she would later confess, she never loved him. Radicalism-Communism thus had become the measure or bond of their relationship. Indeed, the future Mrs. Remington was to assert that their marriage was founded on her husband's pledge to maintain a

radical-communist orientation.⁷ He, of course, would describe it otherwise as a much less specific commitment to "never be so concerned over . . . personal ambitions" as to "forget about human welfare."⁸ Regardless, however, of where Remington's ideological "heart" was at the time, he nonetheless remained quite career and achievement-oriented.

He had to learn, therefore, how to juggle two worlds--that of the brilliant student and aspiring economist, with that of the secret ideological communist. For the next several years he seemed to manage this rather well. Finishing Dartmouth with academic honors, he went on to Columbia Graduate School of Business to get his Ph.D. He also managed to perform various Communist duties--or at least to go through the Communist motions. Such actions included consorting with Communists at his mother-in-law's Croton enclave, and, according to his wife, campaigning for Earl Browder. At Croton they would regularly meet with such prominent Communists as Joseph North and Sy Gerson. The Remingtons came to develop a special relationship with North. He became both a regular dinner guest, and, according to Mrs. Remington, their Communist contact. With their move to Washington in 1941 upon Remington's start of work with the National Resources Planning Board, there came the second turning point in his life. Since their meetings with North had become inconvenient, they sought, by Mrs. Remington's account, a more regular contact to replace him.

Elizabeth Bentley was, according to Mrs. Remington, to be that new contact.

At this point the story becomes complex and difficult to piece together. By Mrs. Remington's account, the Bentley contact was to become a replacement for the North meetings, at which they had received party news and literature. However, there was a new background element in this contact relationship--Remington was now employed by the Federal government. According to Mrs. Remington, her husband was now able to provide their contact with information useful to Russia. Undercutting the illicitness of this Bentley relationship, however, were a series of assertions made by Mrs. Remington about the arrangement: that it was only slightly different from that with North; that the information given to Bentley was data Russia would ultimately receive through official channels; that they (the Remingtons) did not realize what they were getting into; and that her husband, except for some lies, had remained essentially loyal to the United States. How one reconciles these contentions with her willingness to corroborate an espionage case against him is a difficult matter to resolve.

Mrs. Remington's co-operation in such an espionage prosecution may have arisen from a variety of motives. She was perhaps motivated both by bitterness over her failed marriage and by a belated perception that they had been

involved in espionage. Perhaps her cooperation with the government was also motivated by a desire to ward off her own indictment.

If one assumes, however, as this writer does, that her recollections were essentially accurate, then the central mystery of the whole case is: what was Remington really up to? One explanation which seems consistent both with his apparently loyal government service (to which all in the know attested) and his venture into playing espionage agent, is the possibility that Remington deceived his wife and Bentley. Assuming, as this writer does, that he had long since become a kind of lukewarm-to-phony communist going through his Communist motions in an effort to maintain his marriage, he perhaps enacted the ultimate communist charade, that of faking espionage. Adding feasibility to this interpretation is the fact that Remington was evidently the type, according to his own wife, who "loved to put things over on people." It is this writer's theory that Remington portrayed the information as secret when he knew or thought that it was either non-secret, useless, or unimportant. This fake espionage may thus have been his most extreme juggling of his two worlds--his half-hearted orientation to communism and Russia, the bond of his marriage, with his successful government career. Pretended espionage was the zenith, or more appropriately the nadir, of his effort to hang on to

his marriage by its Russophilistic threads.

Reinforcing the likelihood that his information was non-secret was the fact that Remington was undergoing a "communist" investigation at the very time he was meeting with Bentley. The commission of espionage in such circumstances would seem to be suicidal. Furthermore, no conclusive case was ever made about the secrecy of the two specific pieces of information allegedly given to Bentley--the garbage formula or the aircraft data.

Supporting the theory that his pro-Russian actions may have been only begrudged gestures are the portrayals of Remington by both Mrs. Remington and Bentley as an unwilling and frightened participant. Rather than being a sign of guilt, Remington's apparent fear of being caught stemmed possibly from an awareness that even his charade was very risky in light of his pending investigation.

While such a scenario is admittedly highly conjectural, it seems a reasonable one, nonetheless. The other possibility--conscious espionage--seems dubious considering such factors as Mrs. Remington's mitigating comments; the government's simultaneous investigation; and the absence of a motive for Remington to risk a career about which he so obviously cared. Poor judgment may have gotten him into his predicament. It may also have led him to misjudge the importance of various documents, but there is simply lack of clearcut proof that Remington knowingly

betrayed his country.

As for the question of Bentley's credibility, it appears that she told the truth in broad outline as she knew it. Supporting this contention are the various details on which she is corroborated by Mrs. Remington-- such as the latter's presence at the meetings and the Party gifts received by the Remingtons. On the other hand, the integrity of her Remington accusations seems highly questionable, based on her obvious tendency to tailor her story and details to suit the prosecution. Examples of this penchant toward malleability include her changing characterization of the data received from Remington, as well as the removal from her story of his possible misconception that she was a PM reporter. Her various accounts of the information received from Remington and others was also vague enough to raise serious questions about her knowledge and awareness, not only of data secrecy, but also about the sources of particular pieces of information.

An analysis of the government's handling of the case can be made with more assurance and conclusiveness than a narrative account because the evidence is more complete. In Remington's case there were several elements that seemed to impel the prosecution to the point that they sacrificed some of the legal standards that ought to have protected his rights and life. Those elements were

relatively simple: a highly publicized presentation of ostensibly damning circumstantial evidence against a government employee (Remington) at a time when an anti-Communist mania gripped the country. The charges against Remington were presented against a background of Cold War events such as Russia's explosion of the atom bomb, the disclosure of Communist spy connections in the United States, and the widespread accusations about Communists in government. Remington's case, involving as it did a government employee accused of giving secrets to Russia, was tailor-made for the Communist-spy hunters. Adding incentive to the hunt were the political frictions that had long surrounded the "Communists-in-government" issue. The Republicans saw the case as a perfect occasion to trumpet accusations of New Deal-Fair Deal fellow-traveling and laxness vis-a-vis communism. The Democrats, on the defensive, found the case an opportunity for disproving such accusations through a zealous prosecution.

Cold War pressures created a crisis atmosphere that produced an indefatigable prosecution. It also created an ex post facto mentality that viewed association with Communists, espousal of Communist beliefs, or joining the Communist Party as indelibly conspiratorial and treasonous. In a more rational era, such beliefs and actions might have been excused as a youthful or temporary

straying from the mainstream.

The ex post facto element also affected the attitude about the transmittal of government information to Russia--this despite the argument by prominent figures like President Truman that the historical context of the wartime U.S.-Russian alliance ought to be kept in mind. What might have been explained at an earlier date as possibly indiscreet aid to a desperate ally, was now seen as treasonous conspiring with a wicked world conqueror.

The government was not deterred in its quest for a Remington conviction, despite formidable problems and setbacks. Two grand jury "shut outs" and a Loyalty clearance were not enough to free Remington from their pursuit. The quality of evidence and the measures of proof were allowed to deteriorate. Flimsy and inconsistent accounts by Bridgman and McConnell about Remington's teenage, C(c)ommunist involvement at the TVA were blown out of proportion in order to reopen the case. New Senate hearings and a third grand jury proceeding, the latter salvaged by Mrs. Remington's "forced" testimony, ultimately proved to be enough to indict him on the "undefinable" charge of Communist Party membership.

Grand jury standards concerning the rights and treatment of witnesses, as well as those concerning partiality and conflict of interest, were compromised. The four-hour ex parte grilling and threatening of Mrs.

Remington; the deception about her right to remain silent about her ex-husband; and the background relationships of Brunini and Donegan, exemplify these abuses.

The first trial was flawed, furthermore, by both its vague charge, and by Judge Noonan's insinuation that the burden of proof for Communist Party membership rested with the defendant--thereby obviating his right to a presumption of innocence. Such a shift of the burden went against the basic principles of Anglo-Saxon justice, and presented the Remington defense with the formidable task of establishing non-membership in an apparently undefinable organization.

The prevalent equation of Communist ideas with party membership, and even treason--an aberration of the time--made the trial essentially a political one. The defendant's only apparent option was thus to try to slant or explain away communist-like actions and thoughts. Yet, such an obvious shaping of his story was self-defeating since it served to undercut his integrity and credibility--the basic measures in a perjury trial. Assertions of non-communist or anti-communist behavior, furthermore, were dismissed as evidence on the ground that they were symptomatic of Communism's inherent deceptiveness.

Widespread negative publicity, furthermore, inhibited a fair hearing of the case. A few of the more extreme examples of such publicity were HUAC's humiliation

of Remington in absentia in 1948; Senator Joseph McCarthy's insinuation of Remington's subversion of the entire Korean War effort; and the pre-trial yellow journalism of newspapers such as the New York Journal-American and the Washington Times-Herald.

Orchestrating and benefitting from these compromising factors was a Justice Department seemingly more interested in a prosecution at-any-cost, than in fairness. They had sifted out mitigating evidence, such as Bentley's admissions about Remington's possible PM misperceptions; had tacitly espoused such story modifications as Bentley's shifting portrayal of the garbage formula from "useless" to "important," and the aircraft data from "unimportant" to "excellent"; had solicited the FBI's harassing background checks of ostensibly impeccable character witnesses such as the President of Dartmouth College; and covered up the Brunini-Bentley relationship.

Unfazed by a first appeal defeat, the government re-indicted and re-convicted Remington on charges so similar to those of the first trial that Remington seemed a victim of de facto double jeopardy.

Finally, the Justice Department's standards reached a low point with the prison murder episode. What stands out dramatically here is the stark contrast between the noise, thoroughness and special treatment of the

prosecution effort, and the negligence, lack of special treatment (extra prison protection) and silent apathy surrounding his demise. The government compounded its errors by lying about and covering-up the motivation of the murder and the details of the prison set-up which had "allowed" the attacks. Such an expedient response was sadly and unfortunately consistent with its entire handling of the case.

NOTES--CHAPTER 30

1. See p. 285 above.
2. Cook, "The Remington Tragedy," p. 487.
3. Ibid.
4. Ibid.
5. Latham, Communist Controversy, p 91.
6. Cook, "The Remington Tragedy," p. 488.
7. Ibid.
8. Ibid.
9. See p. 288 above.

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