

OFFICIAL REPORT OF PROCEEDINGS

Before The

VETERANS' ADMINISTRATION

Docket No.

In the matter of ERIC LENNARD BERNE

Place San Francisco, California

Date 2 November 1955

Pages 1 thru 66

ACE REPORTING CO.

261 CONSTITUTION AVE., N. W.
WASHINGTON 1, D. C.

OFFICIAL REPORTERS

MEtropolitan 8-4780

PROCEEDINGS

before

VETERANS ADMINISTRATION

UNITED STATES OF AMERICA

: : : : : : : : : : : : : : : :
 : :
 In the Matter of : :
 : :
 ERIC LENNARD BERNE : :
 : :
 : : : : : : : : : : : : : : : :

Conference Room, Ninth Floor,
 Veterans Administration,
 49 Fourth Street,
 San Francisco, California,
 Wednesday, November 2, 1955.

Met, pursuant to notice, at 11:00 o'clock a.m.

PRESENT AT INTERVIEW:

GEORGE H. LYNCH,	Assistant Associate General Counsel, Veterans Administration, Washington, D.C.
ERIC LENNARD BERNE,	Subject of Interview.
ERNEST BESIG,	503 Market Street, San Francisco, California, attorney for Dr. Berne.

- - -

REPORTER:

L. A. UNTERBERGER,	12 Geary Street, San Francisco, California.
--------------------	--

MR. LYNCH: Dr. Berne, this is an interview granted by the Administrator of Veteran Affairs in relation to the charges that were directed to you under Executive Order 10450.

It is not a hearing in anything of the legal sense of that term. Our procedure here will be a very informal one and does not necessarily follow the rules of evidence as such. We desire to proceed in an informal manner; to go over the information received by the Veterans Administration which originally gave rise to the question of your security under Executive Order 10450.

I understand, Dr. Berne, that Mr. Besig is representing you here as counsel?

DR. BERNE: That is correct.

MR. LYNCH: Mr. Besig, may I ask you: Do you represent Dr. Berne or do you represent an organization which, in turn, is representing Dr. Berne?

MR. BESIG: I am the Director of the American Civil Liberties Union and an attorney by profession. We are appearing on Dr. Berne's behalf in this matter. There is no fee connected with our appearance in any security cases. We have handled some several hundred security cases in this area and we do it because of our concern for civil liberties and because we feel that there is a denial of due process in connection with the administration of the security program, particularly in this case.

I may add, I would like the record to show that the charges in this case were dated 12/10/53, and that an answer, a written answer, was returned under date of January 15, 1954, and that that answer requested an appearance before a Board provided for under Executive Order 10450.

In other words, the Veterans Administration had from January 15, 1954 until June 30, 1954, to accord the respondent a hearing. But our request for such a hearing was ignored. When we finally inquired as to why the respondent was not receiving the hearing, we were informed that he was no longer an employee of the Government since June 30, 1954.

Now that, to our mind, is a violation of the procedures prescribed under the Executive Order and under the Regulations of the Veterans Administration. This respondent is entitled to the hearing.

Now we appreciate that the Administrator is now according an interview. That interview, however, is not in the place and instead of the appearance that is provided for under the Executive Order.

MR. LYNCH: It was agreeable to you, was it not, that we substitute this informal hearing --

MR. BESIG: This is not in substitution of it.

MR. LYNCH: (Continuing) -- for the hearing?

MR. BESIG: We do not look upon this as a substitute for a hearing.

MR. LYNCH: I do not mean in the sense that you are prejudicing any of your rights for a subsequent hearing at all.

MR. BESIG: No.

MR. LYNCH: Because I see, from the record, that the Administrator has made it clear that this interview will not in any way prejudice any rights that you have in the matter.

MR. BESIG: I am glad you made that statement, because I wanted it in the record.

And may I, at this time, request, too, that we be furnished with a copy of the transcript of this interview in due course?

MR. LYNCH: You will be, yes, sir.

MR. BESIG: Thank you.

MR. LYNCH: Now I would like to have you proceed, Mr. Besig, in any way you may see fit. We are anxious here to get to the merits of the situation relative to Dr. Berne.

MR. BESIG: I have no questions to ask of Dr. Berne. My understanding was that this interview was requested by the Administrator, and we did not bring in any witnesses. We have previously answered the charges in this case. You have the written answer, and we stand on that answer.

MR. LYNCH: I see. Well, now, I did not want you to be mislead. I really did not contemplate at this interview that you would have any witnesses.

MR. BESIG: I see.

MR. LYNCH: And the Government has no witnesses to call.

It is purely an informal interview, an informal discussion of the information we have here for the purposes of seeing if we can dispose of this situation and grant Dr. Berne a clearance or if, on the other hand, we find it necessary to proceed further under Executive Order 10450, at which time, of course, you would be granted a hearing. It is our hope, of course, that we do not have to proceed further, and this interview is for the purpose of exploring the situation to assist us in better determining that question.

I did not contemplate, Mr. Besig, that you would proceed, have your client testify. I contemplated that this hearing would take up my own questions, and I have several of them here that I would like to direct to Dr. Berne. I know they will seem repetitious, perhaps, because many of those questions have been answered in the record, one way or another. At least there certainly is discussion touching upon them. But this is the first time, I think, that the Administrator has had his own representative here with Dr. Berne in front of him, and perhaps we can get to these matters a little more intimately and perhaps a little more clearly with this personal interview than we could by written interrogatories going across the continent.

I would like to remind Dr. Berne of his constitutional right to refuse to answer any question that might serve to incriminate him.

Do you have any objection, Dr. Berne, to being sworn?

DR. BERNE: No, sir.

(Whereupon Dr. Eric Lennard Berne was, by Mr. Lynch, duly sworn to tell the truth, the whole truth, and nothing but the truth.)

MR. LYNCH: Mr. Besig, you are advised, I take it, that the termination of Dr. Berne's services ended on June 30, 1954, incidental or at the time of the termination of his contract?

In other words, the termination of the services were by reason of the expiration of the fiscal year contract in Dr. Berne's case.

MR. BESIG: I am aware of that, but I am also aware of the fact that the Veterans Administration failed to accord the respondent the hearing which he had requested.

MR. LYNCH: In other words, there was a long period of time that elapsed from the time that Dr. Berne asked for hearing before the termination of the contract within which you believe there is plenty of time for the Veterans Administration to have granted him a hearing, if they so desired?

MR. BESIG: In fact, Mr. Lynch, it has always been my impression that the Veterans Administration appears to be taking a painless way out of the situation. By waiting long enough, they would not have to accord the respondent a hearing because his contract expired. At least that is the contention or suggestion we have put in the correspondence, I believe.

We feel very strongly, as you may gather by this time, about the way this case has been handled. Almost two years have elapsed since the filing of charges, and such delay, I think, is unconscionable.

MR. LYNCH: Well, of course, the thing that I am concerned about here today is the merits of these matters.

MR. BESIG: Well, we have answered --

MR. LYNCH: (Continuing) -- in relation to Dr. Berne's loyalty and his security situation. The administrative actions and the necessity of circumstance, because of the tremendous number of cases involved, things of that sort, I frankly would not be in a position to discuss with you.

I hope we will be able to look forward, at the present moment, and get into the information we have which caused this difficulty and see if that information can be dissipated, from the standpoint of our considerations of security risk. And I hope that we will not confuse any complaint with respect to administrative delay or administrative action with our looking into the merits of Dr. Berne's situation. I trust that we may proceed along that way.

Now, Mr. Besig, I believe you received a copy of the Administrator's letter to Dr. Berne, March 4, 1955, referring to granting Dr. Berne a hearing?

MR. BESIG: Yes, sir.

MR. LYNCH: And putting him back on the rolls of the

Veterans Administration for the purpose of determination of this security question which was not determined at the time of his termination of services under the contract?

MR. BESIG: I will so stipulate.

MR. LYNCH: In other words, the security matter was pending at the time Dr. Berne's services were terminated. There had been no disposition of them.

MR. BESIG: That is quite correct.

MR. LYNCH: And the Administrator did subsequently determine, upon your representations, that Dr. Berne could come back on the rolls of the Veterans Administration for the purpose of the determination.

MR. BESIG: We appreciate that.

MR. LYNCH: Then, following that letter, another letter was sent to you on July 27, in which it was suggested that an interview take place with Dr. Berne. And it was stated, I believe, in that letter that such interview take place with Dr. Berne. And it was stated, I believe, in that letter that such interview would be without prejudice to you for any formal hearing that you might see fit to request subsequent to the interview. And we are now in the process of that interview to which I have just referred.

Dr. Berne, I just want to review here, very briefly, references to your personal history and see if there would be anything that you might object to or perhaps add to.

You were born in May 10, 1910 in Montreal, Canada?

DR. BERNE: That is correct.

MR. LYNCH: You received your Bachelor of Arts Degree in May of 1931 from McGill University?

DR. BERNE: Yes, sir.

MR. LYNCH: And you received a Doctor of Medicine Degree, cum laude, is that right? "C.M.," is that Doctor?

DR. BERNE: Oh, that means, Master of Surgery. This is an additional degree which is given because we put in an extra year.

MR. LYNCH: Well, you received those degrees in May of 1935?

DR. BERNE: Yes, sir.

MR. LYNCH: All at McGill?

DR. BERNE: Yes, sir.

E MR. LYNCH: You served an internship at Inglewood Hospital, Inglewood, New Jersey, in '35 to '36?

DR. BERNE: Yes, sir.

MR. LYNCH: You served as an assistant resident in psychiatry at the New Haven Hospital in New Haven, Connecticut?

DR. BERNE: Yes, sir.

MR. LYNCH: And from 1936 to 1938 you were teaching assistant in psychiatry at Yale University?

DR. BERNE: Yes, sir.

MR. LYNCH: From 1942 to 1946 you were practicing full

time as a psychiatrist at Norwalk, Connecticut?

DR. BERNE: No, sir, the dates are in error. The dates of my being at Norwalk, specifically, are 1942 to 1943.

MR. LYNCH: I see. I might say that those particular dates here have no particular significance but I did want to follow through in some sequence, your personal history for the past several years up to date.

From 1943 to 1946 you held a position of clinical assistant in psychiatry at the Mount Sinai Hospital in New York?

DR. BERNE: Again the dates are in error. These dates should be, I think, 1941 to 1943.

MR. LYNCH: You served in the Medical Corps in the Medical Field Service School from April, '42 to June, '46?

DR. BERNE: No, sir. I was inducted in the Army in April - rather, commissioned in the Army in April, 1943, and I was discharged in either June or July of 1946. The Medical Field Service School, I imagine, was simply an answer to some specific question. This was my first six weeks in the army was spent in this school.

MR. LYNCH: You were commissioned a First Lieutenant and later as a Captain in the Medical Corps, were you?

DR. BERNE: Yes, sir. I was discharged as a Major.

MR. LYNCH: You were sent as a captain to the Regional Hospital at Fort Ord in California as Assistant Chief of Psychiatry Service and served in this capacity from August,

1944, to July, 1945?

DR. BERNE: Those dates sound correct, sir.

MR. LYNCH: As I said a moment ago, there is no particular significance to these exact dates. I have in mind following through to see that there is not any blank space at the time when we do not know anything about you.

DR. BERNE: Yes, sir. Well, may I mention that there is, I believe, already a blank space between 1938, when I left Yale, and 1941, when I went to Norwalk.

Would you like me to fill that in?

MR. LYNCH: Was that one of the times when you were in Europe?

DR. BERNE: Part of that time I was in Europe.

MR. LYNCH: I would rather wait and get that when we go along, because I intend to ask you one or two questions about that later.

DR. BERNE: The rest of that time I was on the staff of two different sanitariums in New England.

MR. LYNCH: You have been engaged in private practice of psychiatry from 1951 to the present time in Carmel and San Francisco, have you?

DR. BERNE: Right after discharge from the Army in 1946, I set up my office in Carmel. Up to the present time I have been there.

MR. LYNCH: In private practice?

DR. BERNE: Yes, sir.

MR. LYNCH: You were appointed as an assistant psychiatrist in 1951 at the Mount Zion Hospital in San Francisco?

DR. BERNE: That is correct.

MR. LYNCH: And you have been a clinic assistant at the Psychoanalytic Institute?

A DR. BERNE: That title is, "Clinical Association of San Francisco Psychoanalytic Institute."

MR. LYNCH: You have been consultant in psychiatry and neurology in the Surgeon General's Office in the United States Army?

DR. BERNE: For the Surgeon General's Office, yes, sir.

MR. LYNCH: Since 1950, is that correct?

DR. BERNE: It sounds correct, approximately.

MR. LYNCH: Are you still in that capacity?

DR. BERNE: No, sir, that was terminated. That was a yearly appointment which was terminated, I would say, about two years ago.

MR. LYNCH: You were appointed attendant in Neuropsychiatry with the Mental Hygiene Clinic of the Veterans Administration at San Francisco on July 2, 1952?

DR. BERNE: I am not sure of the date. It sounds correct, sir.

MR. BESIG: Could I ask where you are getting this information?

MR. LYNCH: Just one more question.

You continued on in that position with the Veterans Administration up to the time that your contract was terminated, I take it?

DR. BERNE: I regarded -- Well, at the time I received the notice that I had been suspended.

MR. LYNCH: I see, until suspension, is that correct?

DR. BERNE: Yes.

MR. LYNCH: Now, what did you say, Mr. Besig?

MR. BESIG: Some dates are being used here and I would like to know the source of the information?

MR. LYNCH: The source of the information? All I can tell you is that it is from confidential Government sources.

MR. BESIG: In other words, this does not purport to be any information which the respondent has previously given?

MR. LYNCH: No, no. And there is no element of referring to this matter in any sense for the purpose of showing any contradiction or difference in the Doctor's testimony.

And right here, Mr. Besig, I would like to say something that perhaps I should have said in the beginning. As representative of the Administrator at this interview, I am in no sense a prosecutor in this case. I am just as much interested in the clearance of the Doctor for security purposes as I am in seeing to it that he does not get clearance if the evidence does not warrant it.

I believe, under the Regulations of the Veterans Administration, the representative of the Administrator at hearings is advised to advise the employee respecting all of his rights, if he is not represented by counsel.

But I want to say now, that even if he is represented by counsel, as able as this record indicates Mr. Besig to be, I am still going to advise him of his rights if I find Mr. Besig missing anything.

MR. BESIG: Thank you.

MR. LYNCH: So I am in no sense seeking to entrap Dr. Berne in anything that I say.

MR. BESIG: I appreciate that.

MR. LYNCH: I am trying entirely to bring this information to light for purposes of clarification for whatever it is worth.

DR. BERNE: Thank you.

MR. LYNCH: Dr. Berne, I know that there is references to this particular matter in the record before you, but I would like to have you address yourself to it now, if you would?

There appears to be in the files of the Un-American Activities Committee of the House of Representatives a reference indicating your signature to a statement attributed to one, Frank W. Weymouth, who, I believe, is the president of the Citizens Committee to Preserve American Freedoms. The statement was in opposition to the House of Representative's

Committee subjecting scientific persons to question before the Committee. I believe that the reference indicates that you were signatory to that protest.

Could you give us briefly what you may have to say in respect to that particular item at this time?

MR. BESIG: I think the record ought to be clear that Frank W. Weymouth was professor of physiology at Stanford University, Stanford, California, and that fact certainly must have been in the Government's files, and I think ought to be clear here. It might have some relationship to the issues about which we are concerned. He is now an emeritus professor of physiology.

DR. BERNE: I would like also to state that I did not endorse any statement of the nature that you just quoted. That is, a statement which I signed did not object to questioning of scientists by the Committee, or whatever your phraseology was, which I now forget. The phraseology of the statement was -- used the words, "pillorize for the purpose of compelling political conformity," which, in my mind, is a very distinctive difference from being questioned by a committee.

MR. LYNCH: Would you have any objections to signing this, "being questioned by that Committee," today?

MR. BESIG: Just let us get this question clear. The question you are asking now, as I understand it, is whether or not an American citizen might have any objections to being

questioned by what is popularly known as the "Velde Committee," or the House Committee on Un-American Activities.

Well, Mr. Lynch, it seems to me -- Now I am sure this gentleman will have no objection to answering, but for the purpose of the record, I want to suggest that a lot of citizens may have objections to the procedures of the Velde Committee.

And I do not see that it has any relationship to the question of whether or not this gentleman is a security risk.

MR. LYNCH: Well, Mr. Besig, we will be the judge, ourselves, with respect to the questions we ask, and I would ask you to let the witness answer the question. If he does not want to answer it, he has a privilege of not answering.

MR. BESIG: Well, I want the record to show at any point where a question is raised here which I think is an improper question, that I do object -- that I personally object -- that I object to the Veterans Administration asking questions of that kind.

MR. LYNCH: You object to my asking the witness if he would oppose the committees, the duly constituted committees of Congress questioning ~~purposes~~ ^{persons} relative to matters within the jurisdiction of those committees? That is the question I am asking him.

MR. BESIG: The question is a little too vague and indefinite. It seems to me that we citizens cannot ignore the fact about the way this Committee has behaved itself. That

Committee has been subjected to all kinds of criticism from very respectable sources.

MR. LYNCH: I am not referring to that particular Committee. I am referring to the principle involved in the due course of the operation of the United States Government.

MR. BESIG: Oh, well, I am sure neither Dr. Berne nor I would object to appearing before a duly constituted committee of the Congress of the United States.

MR. LYNCH: Well, would you let the witness answer that question rather than yourself, Mr. Besig?

MR. BESIG: Well, I do not think that was the question that was asked originally.

MR. LYNCH: Well, I will revise the question and ask it in the way that you would like to have me ask it.

MR. BESIG: Thank you.

MR. LYNCH: Dr. Berne, do you have any opposition to duly constituted committees of Congress?

DR. BERNE: No, sir.

MR. LYNCH: Questioning whomsoever they see fit to question with matters within the jurisdiction of those committees?

DR. BERNE: No, sir.

MR. LYNCH: He has answered the question.

MR. BESIG: I do not think that there is any need for conformity of opinion with respect to the Velde Committee, the House Committee on Un-American Activities, and I do not want

the record to suggest that the Veterans Administration expects a certain conformity with reference to that Committee.

MR. LYNCH: I am not defending or opposing any committees. I am inquiring only into a matter of principle. And I think the way I phrased the question, the last time, perhaps was more in keeping with your particularity in relation to principle.

MR. BESIG: I am quite in agreement with you.

DR. BERNE: My answer was that in a matter of principle.

MR. LYNCH: And your answer was that you would not oppose the appearance and the answer of persons to questions of committees of Congress?

DR. BERNE: No, sir.

MR. LYNCH: Dr. Berne, have you had occasion at any time to read any of the reports of the California Committee on Un-American Activities to the 1949 California legislature?

DR. BERNE: No, sir.

MR. LYNCH: You have not read any of those reports?

DR. BERNE: No, sir. I have read reports, whatever the newspaper might happen to publish, but I have never read the reports themselves.

MR. LYNCH: I think you have already answered in the record here the question respecting your relationship, whatever it was, with Mr. Weymouth. Reference was made some time ago and I asked if you had any further references in relation to

any association you may have had with Dr. Weymouth.

DR. BERNE: Sir, I am not clear.

Is there a question there?

MR. LYNCH: Yes. I asked you if you had anything further to say for the record at the present time regarding any relationship you have had with Mr. Frank W. Weymouth?

DR. BERNE: I can only repeat, I have never seen him. I never, to my knowledge, previously heard of him. I have not since heard of him -- from him.

MR. LYNCH: That is a good square answer.

Doctor, what do you know about the Citizens Committee to Preserve American Freedoms? Have you had any relationship with that Committee?

DR. BERNE: You are speaking as of today?

MR. LYNCH: As of any time, any knowledge that you have had in the past or any knowledge that you have now?

DR. BERNE: This is the Citizens Committee to Preserve American Freedoms. The full extent of my knowledge concerning this Citizens Committee to Preserve American Freedoms is as follows: Let me just consult this to get the dates. Otherwise, I may not remember them too well.

I had never heard of this Committee until sometime prior to September 15, 1952. I received a form letter. Now by, "prior to," I mean something like maybe sixty days, something of that order.

I read this form letter which seemed to be an earnest plea for support for certain ideas. At that time, I felt that as the idea was worded, word for word, taking it literally, that I could lend my support to this particular idea.

I therefore signed whatever they had, a coupon or something, which was, in effect, an endorsement of the statement as quoted literally by them.

I heard nothing more from them until a short time after September 15, 1952. By a, "short time," I mean something of the order of two weeks, however long it might take them to mail this printed material that they then sent out.

I received a leaflet in which there were listed the names of those -- some of the names, presumably, of those who had signed or agreed with the statement that I had agreed with, when I returned the form of the first communication.

This is all I know about the Citizens Committee for American Freedoms, only what was -- only that they requested signatures for a certain statement and then whatever information is contained in the leaflet which, according to their date, is September 14, 1952.

MR. LYNCH: Really, has not anything occurred to you since you last referred to that point for you to add an addition to that which you have said?

DR. BERNE: You mean some association with this organization?

MR. LYNCH: Yes, I mean whatever association you may have had with it or anything that might throw any light upon your association with that organization with knowledge that it was a subversive organization, if it were such?

DR. BERNE: Oh, when I received the letter of their leaflet of September 15, 1952, I regarded the whole matter as closed -- gave it no further thought. I next heard of the organization when I received a communication from the Security Department of the Veterans Administration in which it was stated that this organization had been identified as a communist front.

MR. LYNCH: When you signed this statement or protest, whatever you may call it, were you aware that there was any question with respect to that organization being a communist front?

DR. BERNE: No, sir. My judgment of the organization was based on the fact that Dr. Weymouth was stated to be an emeritus professor of physiology, which, in my mind, meant a competent scientist. And on that basis, I decided that I could associate myself with this organization, but I had no knowledge of its background.

I should add, that I have subsequently learned, after I received the letter from the Veterans Administration, I then made inquiries about Dr. Weymouth and the Citizens Committee to Preserve American Freedoms, and I learned from

reliable sources that both Dr. Weymouth and this Committee were reliably known to be of -- to be politically questionable.

MR. LYNCH: Mr. Besig, any references I make here in the matter of questions carry no imputations or implications with them. I am just seeking information on such matters as we have here. I would like to have you bear that in mind as we go along here.

MR. BESIG: I may nevertheless object.

MR. LYNCH: That is right.

How long have you been a member of the American Civil Liberties Union, Dr. Berne?

MR. BESIG: Oh, well now, let me get a clear understanding of the attitude of the Veterans Administration with reference to the allegations with my organization.

MR. LYNCH: Is that the --

MR. BESIG: I have been associated with it for almost twenty-two years, and this is a scurrilous charge. If a representative of the Administrator comes out here to question my client about the organization of which I have been a member, I think you are wasting your time. I think you ought to go back to Washington empty-handed on this matter.

If he wants to know anything about the American Civil Liberties Union, let him go to our national headquarters. Let him find out from President Truman, who made a statement in support of the American Civil Liberties Union, or from Mr.

Dewey, the former Governor of New York State and the candidate of the Republican party or a statement in support of the American Civil Liberties Union from President Eisenhower.

But that the Veterans Administration is audacious enough to come in here with this sort of a slanderous charge, it seems to me, is reprehensible, to say the least. And any questions with reference to it, I resent very strongly. If you want to ask any questions, you ask me. I will be glad to answer any questions.

I can say that Doctor Berne was a member of the American Civil Liberties Union. As a member of the American Civil Liberties Union, we have responsible people in this community, some 3400 of them, who are members of this organization, and who provide the finances to keep it going, to fight cases such as this, incidentally.

And if you have any questions to ask about the American Civil Liberties Union, as its director here for over twenty years, I will be happy to answer them.

MR. LYNCH: I just asked when the Doctor was a member.

MR. BESIG: Well, we will take a look at the records.

MR. LYNCH: I did not ask him anything about the American Civil Liberties Union.

MR. BESIG: You are touching on a sore spot, Mr. Lynch.

I think his membership dates from around 1952 or it may have been prior to that. I forget the exact date. We would

be happy to furnish the information from our official files.

MR. LYNCH: Would you let Dr. Berne answer the question, Mr. Besig?

MR. BESIG: Well, there are times here I may object to your questions. I do not think the questions concerning the American Civil Liberties Union are an issue here. I will be glad to take up the issue affecting this charge.

MR. LYNCH: I want to make it very plain here that I am not making any reference against the American Civil Liberties Union as being a communist organization or a communist front or anything of the sort.

MR. BESIG: Well, why did this security officer make the charge against our group?

MR. LYNCH: I am asking what the charges were there and what questions I am now asking, Mr. Besig, are different things.

MR. BESIG: Well, I think the issue remains in the cases as to the propriety of the action of the security officer of the Veterans Administration, in putting this charge in the letter of charges.

Now that question cannot be ignored.

MR. LYNCH: Now if you would like a request made to withdraw that charge relative --

MR. BESIG: We have requested it.

MR. LYNCH: Has any compliance been made with your request in that respect?

MR. BESIG: We have heard nothing concerning it.

MR. LYNCH: You have not been advised one way or the other?

DR. BERNE: That's right.

MR. BESIG: And I take it that this matter is still of issue. We intend to resist this charge at every step of the way; through this office and through our national office and through other means that are available to us.

We resent this accusation. We think it is misconduct on the part of the security officer to have brought our name into this thing. We have a lot of members in the American Civil Liberties Union, people who belong who work for the Government, and if your security officer is to be believed, then the jobs of those people are in jeopardy and we resent these slanderous statements.

MR. LYNCH: I suppose, Mr. Besig, and I did not intend to get on this general question, but I suppose that any organization, however loyal it may be, particularly an organization that is concerned with human rights, has been subjected, some time or other, to some persons getting in that are communists and communist members.

MR. BESIG: Any organization that I run, that I am the director of, is not exploited by the communists.

MR. LYNCH: I know that the policy of the communist party is to wheedle their way into the best organizations they can

possibly get.

MR. BESIG: Mr. Lynch --

MR. LYNCH: Now we would like to know if, when we find the person in an organization where we find any reference of that kind, whether there may be among 99% good loyal Americans, one that was trying to get in to do damage to the great percentage of the loyal Americans in such organizations.

MR. BESIG: Dr. Berne is not wheedling his way into our organization as a communist.

MR. LYNCH: I did not say that.

MR. BESIG: And we have no fear of him and he is not in any position of power, but he merely contributes a certain amount of money and that is about the extent of his participation.

MR. LYNCH: Well, Mr. Besig, I just asked the question with respect to his membership in the organization.

MR. BESIG: Do I understand that the Administrator asked you to come out here to check up on the American Civil Liberties Union? Is that one of the purposes of this visit?

MR. LYNCH: No, that is not one of the purposes.

MR. BESIG: Or to inquire, in this case, into the American Civil Liberties Union?

MR. LYNCH: We are not making any inquiry at the present time into the American Civil Liberties Union at all.

MR. BESIG: Or insofar as the respondent's relationship

to this group is concerned?

MR. LYNCH: And at this interview, I am making no charge whatsoever respecting the American Civil Liberties Union.

MR. BESIG: Well, it has already been done.

MR. LYNCH: I say, it is not done at this interview.

MR. BESIG: I was hopeful that the Administrator would, by this time, have withdrawn this charge, and that you would come out here and advise us that this charge had been withdrawn, but apparently it is going to take other pressures in order to achieve that result.

MR. LYNCH: I understood that the Administrator did withdraw the charge with respect to another organization.

MR. BESIG: He withdrew the charge with respect to the Council for Civic Unity, and we called that charge to the attention of the Council because the president of the Council serves on our Board, and Mr. William Roth, who is the treasurer of Matson Company, and protests were lodged with the Administrator and the matter received considerable attention from the newspapers and the Congressman from this District.

Now we did not choose, at that time, to handle our complaints this way. I presented the matter to our national office and we suggested to the Administrator that this matter should be dismissed. We did not think that it would require a campaign, a public campaign to achieve that result. With the endorsement of innumerable prominent people that had been

given the American Civil Liberties Union, I did not see the necessity of that kind of a campaign.

With a local organization like the Council for Civic Unity, however, they were on a different footing.

But I resent this charge being continued in the letter of charges. And I will take issue and continue to take issue with the agency on it. If, at any point, a question is raised against the organization or where an insinuation is made against the organization, I am here to combat it.

MR. LYNCH: Well, at this interview, I am not making any insinuations or anything of the sort about any organization.

I am merely addressing myself to the information in the file here and asking some questions about it directly in relation to the security situation of Dr. Berne.

MR. BESIG: Well, it has no relationship to the question of security at all. Mr. Eldon Bailey was way off base when he included this sort of a charge. It is a scurrilous, scandalous, defamatory charge, and it seems to me that Mr. Bailey should give an accounting for his action.

MR. LYNCH: Well, I believe the question I asked of Dr. Berne has been answered, has it not?

And of course, your references are of record and I will very gladly convey to the Administrator your request at this time, and see to it that he sees it with respect to withdrawal of that particular charge.

MR. BESIG: I would appreciate it.

MR. LYNCH: And I would like to repeat, that nothing that I have said here is intended at all to reflect on this American Civil Liberties Union.

I am merely asking some questions relative to references we find in the file. We are not necessarily accepting the references here. We are just seeking information, and we cannot get information unless you talk about a matter.

MR. BESIG: Well, any time in a secret Government file, any accusations are made against the American Civil Liberties Union, and we learn about it, we are going to take issue with the Government, and we are not reluctant to do so whatsoever.

MR. LYNCH: Well, if you feel that way about it, I certainly do not blame you.

MR. BESIG: Well, no, I think it is slanderous. I have been associated with this organization for a long time. I know what is going on. We do not permit the organization knowingly to be exploited by any communists. And we have been accused by them of being one thing or another.

As you know, there is a competing organization, the Civil Rights Congress, that is a communist front, but it has no relationship to us. And for the suggestion to be made here --

MR. LYNCH: The latter one has been determined, I believe, by the Attorney General as a subversive organization.

MR. BESIG: What the Attorney General says is not

necessarily convincing to me, but I know of my own knowledge.

MR. LYNCH: Only trying to point out to you the difference between these two organizations which you referred to.

MR. BESIG: Well, I do not rely upon the Attorney General's judgment nor his right to decide for me as a citizen what attitude I should take toward organizations, but in my estimation, the Civil Rights Congress is communist dominated and is a communist organization, and we have no relationship to it whatsoever.

MR. LYNCH: I would like to get along here with the information, because I am not here to discuss the American Civil Liberties Union or the character of any other organization.

I am here merely to seek some information on the basis of different things that we have here in the file as that information will throw light on the loyalty of Dr. Berne as a security risk for the United States Government.

And I would rather avoid, if I can, any matters relating to the character of any of these organizations, but you cannot get the information I am seeking here unless I ask some questions relative to the matter before me.

MR. BESIG: If the inquiry is about the American Civil Liberties Union at any point here, I shall intervene at any time to clarify the matter.

MR. LYNCH: Well, you are fully on record, Mr. Besig, with respect --

MR. BESIG: Oh, I can say a lot more.

MR. LYNCH: (Continuing) -- with respect to the American Civil Liberties Union and how you feel about it. There is no question about that.

DR. BERNE: Before we proceed, since I gather you are going to proceed to other items, I would like to go back to the Weymouth matter to make it a little clearer, because I have a feeling that this is probably the most critical item of the whole procedure. I would like to clarify why I signed this statement knowing nothing about the backers but having a feeling about the statement.

From time to time, there have appeared in the most reputable civic periodicals, carefully considered and well documented opinions by responsible citizens concerning the activities of various investigative bodies indicating some apprehension of the advances of ^{that} signs, ^{science and human} intents the ultimate security of the country might suffer if some of the practices of various investigative bodies were continued or extended; namely, practices other than straightforward questioning or questioning conducted in such a way that no official censure might be given but nevertheless, result in, let's say, the administrative incapacitation of the person who was questioned.

As a scientist, I could not help agreeing with some of the apprehensions expressed, and as a patriotic citizen, I was especially sensitive lest our superiority in various fields be

impaired by the factors indicated. In other words, there is more to science than technology and just building things from plans. There is a certain amount of creative activity, and I regard myself as one of the creative type of scientists, and I know how such things work.

And I had the feeling that the people, the scientists who had some apprehensions were probably correct, particularly since my field is psychology in the broad sense, and I felt that I could lend my support to their attitude.

In connection with this, for example, in my reply, I mentioned specifically our progress in guided missiles, which is a field where a lot of creative thinking is needed. And I was interested to note that just within the last few days, a very well-known senator, who was extremely sensitive to political views of scientists, has been reported in the press as expressing specifically the same apprehension. He said something to the effect that our progress in guided missiles is falling behind and something had better be done about it. So that I was interested to see that a senator, who is very much up on the political implications of Government science, agreed with something that I had said almost two years previously in a very specific way.

I would also like to add that as a result of the information I gained about Dr. Frank Weymouth and the Citizens Committee to Preserve American Freedom, that I feel that

perhaps I was exploited by unwholesome influences.

And I also want to add, in connection with one of the specifications, you did not mention, concerning Dr. P. Price Cobbs, I would just like to state I have never knowingly met, heard of, communicated with or associated with Dr. P. Price Cobbs in any way whatsoever. In fact, when I saw the specifications, I had no recognition of his name or where it came from. It was only on examining the brochure of the Citizens Committee to Preserve American Freedoms which they sent me without any request on my part, through the mail on September, 1952, that I noticed that his name appeared on this brochure.

Also, I would like to say, that aside from Dr. Weymouth, I had no memory of any other names which appeared on the original communication. In fact, I don't even know whether there ^{are} ~~are~~ ^{other} are any names.

MR. LYNCH: I take it, from what you said, Doctor, that in relationship to your signature, to that petition or whatever it was, that you had no consciousness with respect to the same being in any sense subversive gesture of any kind?

DR. BERNE: No, sir. The thought never entered my mind.

MR. LYNCH: In asking these questions, I might say to you, Mr. Besig, that I have not gone back ^{categorically} to those charges. I have looked -- gone through the files and found whatever evidence or whatever pieces of evidence may have been the basis for the references which were directed to Dr. Berne.

So I am not following in any categorical or closely uniform fashion the charges as such. I am looking at the overall picture on this case at the present time.

We are pursuing this discussion, as I understand it, Mr. Besig, to see if our discussion may not dissipate any possible significance attaching to any of these references we find in the file which may be termed as, "derogatory," information.

MR. BESIG: Of course, I was hopeful that the written answer of the respondent in this matter was so full and so complete that it answered fully the allegations that had been made against him. I thought these things had been answered.

I think this is a flimsy sort of a case, and I am amazed at the expenditures of public funds to prosecute a matter of this kind.

MR. LYNCH: Dr. Berne, can you give me a brief reference to whatever relationship you may have had with Professor Oscar Oeser?

DR. BERNE: May I digress once more, please?

MR. LYNCH: Surely.

DR. BERNE: I notice that you seem to be following the order in the statement of specifications and that one of the charges concerning the San Francisco Council for Civic Unity has been withdrawn, and therefore, you are very appropriately omitting that.

MR. LYNCH: I have made no reference to that.

DR. BERNE: Exactly. But I would like to bring it up for the following reason: Since this is essentially as much a judgment of my personal attitudes as anything else, I would like to bring this up, not as an additional charge against myself, but merely to refer to it, I would say, as an outside matter to show my attitude about things.

In this case, when the question came up of joining the San Francisco Council for Civic Unity, thought did enter my mind, since this was obviously a kind of political organization and therefore I went to some trouble to determine whether I could appropriately join this.

And I took the following steps: First, on April 12, 1951, I wrote to the Attorney General of California, since I thought he was the appropriate authority, as follows: "Dear Sir, Will you please inform me if the Council for Civic Unity is on any list of subversive organizations?"

This letter apparently was referred to Senator Hugh N. Burns, Chairman of the Senate Fact-Finding Committee on Un-American Activities in the California legislature, who replied, in effect, that the Council for Civic Unity was not listed as a communist front organization.

I went to the further trouble, then, of having lunch with the secretary of the organization, whose name I do not recall, and discussed the aims -- Mr. Howden, I am told -- and discussed the aims and backing of his organization with him.

It was only after satisfying myself by these procedures that I could lend my support to this Council, that I sent in my membership card. And I produce this as evidence in that I do have an attitude about joining organizations which could conceivably be in any way questionable along the lines of subversion. And that when I consider it appropriate, that I take steps that I think are appropriate to make myself clear about it.

Shall I proceed to answer the question about Dr. Oscar Oeser?

MR. LYNCH: Please.

DR. BERNE: I first encountered Dr. Oeser briefly at a rooming house where I stayed sometime about 1946. He stayed there one night. And I was introduced to him in the course of ordinary courtesy. We didn't say much to each other.

I had no contact with him until I again encountered him at a social gathering about December, 1952, at which time he stated that he was a professor of psychology in Australia and was visiting this country on a fellowship from some well-known scientific organization. I don't remember which one, but I have the feeling about it, that it was one of the major foundations, such as the Rockefeller Institute or something similar.

I also had the impression at that time that the State Department screens vigorously all foreign scientists visiting this country, so it never occurred to me to question Dr. Oeser's

political views, since, obviously, the State Department had many more resources than I have for determining such a thing. I assumed that if they allowed him in, that he must be legitimate or desirable.

So I invited him to come as my professional guest to a scientific meeting the following week, which he did. He brought his wife with him. We discussed only scientific problems and he showed, to my mind, adequate knowledge of the field. so that I felt that he -- his position was sincere when he stated that he was here for scientific purposes.

I have not seen or heard of him since we said good-bye at the door of this meeting.

MR. LYNCH: And when was that, Doctor, what year?

DR. BERNE: December, 1952.

MR. LYNCH: I see.

DR. BERNE: Approximately.

MR. LYNCH: He was, was he not, leaving for Australia about that time?

DR. BERNE: I got the impression that he was leaving shortly, sir.

MR. LYNCH: Did you have any knowledge at all with respecting any communist associations on the part of Dr. Oeser?

DR. BERNE: No, sir. We discussed only scientific questions and at no time did he say anything which led me to suspect that he was other than a reputable loyal scientist.

MR. LYNCH: Dr. Berne, do you know anything about the California Labor School?

DR. BERNE: Yes, I have heard of it.

MR. LYNCH: Did anybody there ever contact you at any time for any purpose?

DR. BERNE: No one ever contacted me for any purpose connected with the California Labor School. I do not know exactly what you are referring to, but I would assume --

MR. LYNCH: I am referring to a reference, and I may say that all these references that I make are occasioned by some reference that I find in this file, and I am referring to a reference that a Mr. Holland Roberts, who was contemplating contacting you for possible discussions in the field of psychiatry, which discussions were to be held at the California Labor School.

DR. BERNE: Let me answer, first, I have never, to the best of my recollection, participated in any discussion at the California Labor School.

Secondly, if Mr. Roberts contemplated this, I do not recollect that he or anyone else ever approached me with a concrete request that I participate.

MR. LYNCH: I see.

DR. BERNE: It is possible that my memory is faulty in this respect, but certainly, I don't recall such an approach.

MR. LYNCH: We do not have any information, Dr. Berne,

that you were approached.

DR. BERNE: I don't recall such an approach and certainly, I have never participated in anything.

MR. LYNCH: I think that you have discussed quite at length here, a reference that we found in the file respecting your visit to the Russian Consulate in San Francisco. We do have information that your name did appear in the files of the Russian Consulate.

Would you have anything to say in that respect?

DR. BERNE: Yes, sir. My connection with the Russian Consulate is as follows: As I previously stated, I requested from them a visa to visit the Soviet Union. I did this without even knowing whether my passport would be valid for the Soviet Union. I requested this visa for the purpose of visiting their mental hospitals.

And this was approximately in May of 1948, I believe, in connection with the trip around the world which I took, as I remember, in August, starting in August, 1948, during which I visited mental hospitals in as many countries as possible in the short time at my disposal and with my limited funds.

I made this trip at my own expense for the purpose of studying the treatment of mental disorders in various parts of the world in the hope of perhaps finding out whether there were some treatments which should be tried in this country -- to compare the treatments in other countries with the

treatments in this country.

One of the things that happened on this visit, for example, was the drug which is now known as, "serpasil," and which is a derivative of what is colloquially called, "Indian Snake Root," is now having an enormous value in the treatment of mental disorders.

During this same trip that we are discussing here, I visited a hospital in Madras where I noted the use of this drug which had not yet been introduced into this country.

MR. LYNCH: Well, you would think, Doctor, that reference of your name in the files of the Russian Consulate was occasioned by your application to visit Russia and your inquiry in relation to Russian hospitals.

DR. BERNE: I know nothing about how Russians keep their files, but the only contact --

MR. LYNCH: I do not either. We do not have any reference here as to how they do, either.

DR. BERNE: The only direct contact I ever had with any Russian official in San Francisco was that I requested a visa. Some representative talked to me at some length and showed some interest in what I was doing.

Now I don't know whether or not it would be worth while at this point to introduce Exhibit A, which is --

MR. LYNCH: I think we have that in the file, have we not, Doctor, your report with respect to visiting *mental hospitals* *NYT*

DR. BERNE: I gave one to the Federal Bureau of Investigation operatives.

MR. LYNCH: We have that, Doctor.

DR. BERNE: I should say that my interest in this topic continues, and I will shortly have -- but do not have yet -- Exhibit B, which is a similar communication dealing with mental hospitals in the Caribbean area.

I cite this only to show that my interest in visiting the Russian Consulate for the purpose of obtaining a visa was entirely motivated by scientific considerations.

The visa was not granted. I have never been in the Soviet Union.

MR. BESIG: I would like to comment very briefly on this general matter. I notice that just yesterday, the Secretary of State announced that travel would now be permitted to the Soviet Union and passports would be issued for behind the "Iron Curtain," except in places where we lack representation.

Obviously, anybody who intends to travel will have to go to the consulates of the respective countries in order to secure visas.

MR. LYNCH: That is right.

MR. BESIG: I sincerely trust that the various security officers in the agencies of the Federal Government will not list in their files information of that kind concerning applications made by persons seeking visas.

This kind of a charge, it seems to me, is rather a curious one, unless there was something else in the file to indicate that his purpose was a bad one, that he had some ulterior motive. To raise a question, it seems to me, is absurd.

It reminds me of the Army officer I represented recently who had been assigned to Russian lend-lease during the war. He had no choice about the assignment, and yet, that was the basis of a security charge.

To attempt to go on a trip, you will make an application for a visa, and that becomes a subject of a security charge -- I do not know how ridiculous we can get in this country.

DR. BERNE: I would like to add something further?

MR. LYNCH: All right.

DR. BERNE: In regard to this visit to the Russian Consulate and its purpose. The financial sacrifices that I make in this travel, I have made in order to promote the welfare and security of the United States by increasing its effective manpower and progressively reducing the burden of the Government agencies, such as the medical branch of the Veterans Administration, thus freeing Government funds for other purposes.

In other words, it is recognized that a large percentage of disabilities among veterans and among soldiers on active duty are psychiatric, and if anyone can contribute anything which would recude these disabilities or speed recovery, it would not be a minor but a very major contribution to the

budgetary considerations and also to the question of manpower for defense.

MR. BESIG: Not to speak of security.

DR. BERNE: And security. And therefore I would like to point out that this is one of the purposes of this visit because I have noticed in other countries, treatments borrowed from the Russians which are at least worth looking into. For example, the French have borrowed certain ideas from them, and according to the psychiatrists in the French Colonies that I talked to, they are getting good results.

I think -- I say this again to establish my good faith in regard to asking for this visa, which I did not get.

MR. LYNCH: Doctor, you have already testified quite at length in your written reply and I believe to the F. B. I., relative to circumstances of your trip to Turkey. I see no need of going into that any further. I see no need of following any further than already has been followed the references respecting your statement at some time that you were taken for a spy in Turkey. I think all of that circumstance is stated here already in the record.

But at this time, I thought possibly you might want to add a word to it, and I refer to it for that purpose.

DR. BERNE: I would like to add one thing; that at that time, I had a British passport. I was received by the British Consulate -- regarded as an honest fellow. I was invited on

purely personal grounds, to visit ships of the British Navy, so that the British Intelligence, if they made any inquiries about me, undoubtedly regarded me as reliable.

I was generally received as a reliable person with the apparent exceptions noted in the previous record.

MR. LYNCH: You were in Holland at one time, Doctor, I believe?

DR. BERNE: Yes, sir.

MR. LYNCH: And I believe reference was made to your being one of a group of persons -- perhaps refugees, were they, in Holland? Possibly that meager reference may be sufficient for you to tell us, with respect to any relationship you had with any so-called, "group," while you were in Holland?

DR. BERNE: I don't understand the reference to, "group." If it means any sort of organized group -- I knew people in Holland, and I suppose if they knew each other, you might call this a "group." But at no time was I cognizant that I was dealing with anyone who belonged to any organized group, which again, was never brought up.

My trip to Holland -- the relevant parts of my trip to Holland would be as follows: I had some friends that I knew for many years in Canada, my home town of Montreal -- what you might call, "ordinary" people. One of them was of Dutch descent -- went to visit his relatives in Holland, and when I got there, I called on ^{these} his old friends. They asked me to stay

at their house, and I stayed a night or two, and it became obvious that I was in the way. It was a small house as many of them are. And through various acquaintances, social acquaintances, let's say, musical acquaintances, I arranged with someone else to stay at their house as a paying guest. I didn't have any money at the time -- arranged to pay later. And I stayed at their house.

They had people over occasionally and played the guitar. They took me to dinner at other friends' houses. There were no political discussions that I recall.

Apparently some of the people were from other countries, particularly Spain, Portugal, as I recall, and I believe that the people I was staying with had at one time lived in Spain and had left.

MR. LYNCH: Was there anything of a communist or subversive nature at all in relationship to those people that you were staying with?

DR. BERNE: I never heard them mention anything which I would construe to mean that they were engaged at that time in any political activity whatsoever. Their chief concern was how to eat, rather than how to change anything.

MR. BESIG: The original question, Mr. Lynch, I do not want to interrupt here particularly, but the original question was a bit vague.

MR. LYNCH: It was vague because the information we have

is vague.

MR. BESIG: Oh, I see.

MR. LYNCH: And I might say, I am afraid, Mr. Besig, that you really misunderstand us here to some extent, because I think that you rather take it for granted that anything I say is blown up to be damning to Dr. Berne.

That is not so at all. All these references here that I find, I just want to get them out on the table here and see if there is anything to them at all. It does not mean necessarily that we are going to judge that they are derogatory at all.

I am doing this for Dr. Berne's assistance as well as the Government's assistance.

MR. BESIG: I appreciate that.

Nevertheless, the original question, if I may go back to it, did appear to me to be a bit vague, but you say the information was vague. We had no allusion to this business in the letter of charges which had originally been received, and I assumed that the interrogation here, of course, would be with reference to the matters that had been referred to in the letter of charges. This is something new and strange and --

MR. LYNCH: Well, generally speaking, that should be, but as I said a moment ago, I am making reference here with anything that I see with respect to the possibility of being

the basis for the general charge.

MR. BESIG: Apparently, it did not afford the basis for the charges.

MR. LYNCH: Not any particular charge, no.

DR. BERNE: May I add another paragraph?

MR. LYNCH: Surely.

DR. BERNE: To shed some light on the nature of my relationship with these people, since the information is vague and I don't know what it may refer to. It may refer to something that might be undesirable.

MR. LYNCH: I might say, Dr. Berne, I am not particularly concerned about that. I do not see the need for that unless you so desire. If you do, why proceed?

DR. BERNE: Well, I will. For example, if some of these people should have histories which might reflect unfavorably on their associates which we don't know -- I don't know, I would like to make the nature of the relationship clear.

Some of their names I couldn't pronounce, and so when we talked about them, we would refer, as I remember, one of them as the "Stringbean," another one as the "Mosquito," because he had a name which resembled a mosquito. And we would say such things as, "The Stringbean is unhappy in his marriage, but he plays the piano very well. We ought to go to the cafe where we can dance." This is the sort of relationship I had with them. There was no reference to, "What should we do about

the state of the world?"

MR. LYNCH: I see. May I suggest that we take about fifteen minutes for a recess?

(Short recess.)

MR. LYNCH: Doctor, the information we have here indicates that ^{the} ~~the~~ passport was issued to you in 1948 to travel in Siam and Spain to gather data for a book, and then the passport was renewed to be valid until May 13, 1952, for a trip to Spain, France, Portugal, Africa and South America for scientific congresses and studies.

I would like to ask you, Doctor, if you went on those trips and what might be the scientific congresses that you may have attended, if you did go to any of them?

DR. BERNE: In reference to 1950 -- I have already described or referred to 1948 as a trip around the world -- In 1950, the trip was primarily to attend the International Congress of Psychiatry as a delegate of the American Psychiatric Association which was held in Paris in 1950.

In the course of this trip, I took the opportunity to visit mental hospitals in various parts of the world -- went down to Africa and came home via South America.

The scientific results of this trip will be published shortly in the American Journal of Psychiatry under the title, "Comparative Psychiatry and Tropical Psychiatry," describing what I saw in various hospitals, including the ones I visited

on that trip.

MR. LYNCH: Now then, your visit to those countries was in relation to your pursuit of scientists and psychiatry, I take it?

DR. BERNE: That is correct.

MR. LYNCH: Were there any meetings of any kind you attended of a political nature?

DR. BERNE: No, sir.

MR. LYNCH: Speaking of your writing, Doctor, I might tell you that we have a report here that when you were at the Baxter General Hospital, there was published there the Baxter Eagle, and you wrote several articles for it, and you will be pleased to learn that the report we have is that they were widely read and widely discussed.

DR. BERNE: Well, I am glad to hear it.

MR. LYNCH: Doctor, I believe you testified quite at length about Dr. Gregory Zilboorg.

Do you remember having sent a patient to him and referring to the fact that this patient was a, "member of the group?" Do you remember anything of that sort?

MR. BESIG: A member of the group?

MR. LYNCH: Was, "a member of the group," whatever that may mean. I am not answering what it means.

DR. BERNE: I have no recollection of any such thing, and it seems very unlikely anything that I would do.

The only thing that I can think of in connection with Dr. Gregory Zilboorg is a letter which was not sent, which is a rather odd thing to be charged with -- something one hasn't done that might have been questionable if one had done it.

I would -- trying to interpret what information lies behind the form of your question, "the group" --

MR. LYNCH: I am groping for information the same way as you are, Doctor Berne.

DR. BERNE: This particular letter --

MR. BESIG: "Grouping," for information.

DR. BERNE: This particular letter had to do with diagnosing of whether a certain patient was having delusions of grandeur or whether he was -- he was talking about himself in a realistic way. He mentioned that he had been a member of the -- some ~~government~~ agency or some governmental body in Russia.

I had heard, as a rumor without any confirmation or attempt to confirm it, that Dr. Zilboorg had at one time been a member of the Russian government, and this particular patient claimed that he had associated with Dr. Zilboorg in this governmental capacity.

Now the word, "group," may have crept into what I said, actually, or maybe it didn't. I don't remember. Maybe some other word was interpreted by the intelligence officer as

"group." But since I wasn't too clear about Dr. Zilboorg's position in the Russian government, if there had been one, I may have referred to it in some vague way as a governmental "group," or some such term.

MR. LYNCH: We do not have a copy of the letter. We just have a reference to the phrase I referred to.

DR. BERNE: This letter was written quite openly through medical channels. It was seen by my medical chief and then it was seen by the Chief of the Medical Service, and we all consulted and decided that it was not necessary or appropriate or whatever word was used, that we should communicate with Dr. Zilboorg; that maybe we could diagnose the patient without this information. Therefore, the letter was never -- was destroyed and never sent.

That is the only connection I could make with any use of the word, "group," in connection with Dr. Zilboorg, since I have no idea of any groups that he belongs to -- with one exception, that he belongs to the American Psychoanalytic Association, naturally, being a psychoanalyst.

I would like to add one thing at this time because I want to be sure to get it in the record. It is noteworthy that every individual that is mentioned by name in these charges are people whom a psychiatrist would naturally meet in the course of his ordinary activities.

For example, we have a physiologist -- Dr. Cobbs -- I

know nothing about. He has a doctor's degree, evidently.

Then we have a psychologist. Then we have a psychoanalyst, and then another psychoanalyst.

So anyone who did not live in complete professional isolation would be very likely to meet this type of colleague in the course of his activities.

MR. LYNCH: Have you had occasion to become aware that the communist party has tried to infiltrate in doctors' organizations as well as others? Have you had any occasion to know anything of that sort, Doctor?

DR. BERNE: I had no occasion to think of such a thing because I personally have never been approached or in any way -- The first time it occurred to me as a serious possibility was when I received the specifications from the Veterans Administration in December of 1953 in which it was stated that Dr. Frank Weymouth and Dr. P. Price Cobbs were both suspect. And at this time, it occurred to me that perhaps such attempts are being made -- were being made.

MR. LYNCH: Did you know, Doctor, that there has been a professional section in the San Francisco County Communist Party and that there was a medical branch of that particular section?

DR. BERNE: No, sir, I did not know this. This is the first time.

MR. LYNCH: I take it that that is not peculiar to San

Francisco; that the communists have attempted to infiltrate professional organizations everywhere else as well as they have here. There is not any evidence here that they have at all been successful in any such attempts in this area.

MR. BESIG: I was just wondering just how relevant this was to the matter that is under discussion?

MR. LYNCH: Only thinking the Doctor might have had some reference to it and his discussion in relation to it might throw some light relative to his basic loyalty.

MR. BESIG: Well, may I ask at this point, what you mean that the Doctor may have had some reference to a professional section of the communist party? I do not think that there was any direct reference to it nor any suggestion about this in any of the testimony. There was no intent at any place along the line, I am sure, to suggest anything like that.

MR. LYNCH: I did not ask the question with any idea of any implication on the part of the Doctor in any such attempt at all.

I merely was seeking any information the Doctor might have in that regard; if he did know of such attempt and had been approached.

MR. BESIG: Well, now we are getting into the general field. Now we are getting into a, "fishing expedition," as we term it in these proceedings, and this is the sort of procedure that I am critical of in the case of security officers

and their representatives.

It seems to me that there ought to be some rules of procedure, of fair play.

MR. LYNCH: I will be very glad to strike that question, if you want, Mr. Besig. Would you like to have that off the record?

MR. BESIG: No, I would like it in the record. I would like it to remain there.

MR. LYNCH: Doctor, I believe you referred a moment ago to Dr. P. Price Cobbs, and also you have referred in your answer to the charges to Dr. Cobbs, and I believe you have indicated that you never had any relationship with Dr. Cobbs, close relationship, notwithstanding the fact that you were a signatory along with him on behalf of the Citizens Committee to Preserve American Freedom.

Do you have any further reference in that particular regard at this time?

DR. BERNE: Only to say that I find, on consulting this leaflet, he does have a medical degree; that he lives in Los Angeles.

MR. LYNCH: Well, I was asking, Doctor, if you had any personal knowledge or association with Dr. Cobbs?

DR. BERNE: Beyond this, I know nothing about him.

MR. LYNCH: There was no personal relationship in connection with the fact that both of you signed this petition?

DR. BERNE: No, sir, I have never met him. In fact, it is even conceivable that it is a woman and I wouldn't know the difference.

MR. LYNCH: Doctor, have you had any relationships with Aubrey Grossman?

DR. BERNE: Sir?

MR. LYNCH: Have you had any relationships with Aubrey Grossman?

DR. BERNE: To the best of my knowledge, I have never heard this name before. I guess that is a sufficient answer, isn't it?

MR. BESIG: Yes.

I am interested in the inquiry because, once again, of course, there is nothing in the charges that we were having this little visit about, concerning Aubrey Grossman. I know something about the man. My client would not, but he is a lawyer -- he used to practice in San Francisco -- now practices in Alameda County. He used to be at one time, educational director of the communist party here in San Francisco. We know him publicly as a communist.

But I notice no reference to anything like that. If the Veterans Administration was concerned about that matter, it seems to me that they should have advised us of it in the letter of charges.

I have not discussed it with my client. When you asked

the question, I did not know whether he ever met the man or not. We seem to go a little afield here.

MR. LYNCH: Well, these names, such as Grossman's name, merely appear here in the reports that I have.

MR. BESIG: What is my client alleged to have done with Mr. Grossman?

MR. LYNCH: There is no allegation at all.

MR. BESIG: Well, what relevance does it have, then?

MR. LYNCH: The Doctor might, if he had known Mr. Grossman, might tell us that he did and might give us some information respecting any relationships that he may have had with Mr. Grossman. But there is no charge in reference to that.

I was going to ask him about a few other people here, but I will be very glad to defer that, Mr. Besig, if you do not like that line of questioning.

MR. BESIG: I do not like it. I would like to be shown the relevance of it, if it is relevant to the inquiry here. If my client is alleged to have done anything with these people, by all means, ask the question.

But we can go down the telephone directory and go down all of these names and ask him whether he has ever met any of these people, and it would have the same purpose.

MR. LYNCH: Well, I am not going down the telephone directory, I assure you.

MR. BESIG: If there are any other names -- if he is

alleged to have done anything with somebody who was a communist, all right, let us get it out on the table. But we have never heard of anything like this before. And why was it not mentioned in the letter of charges?

MR. LYNCH: There is no charge.

MR. BESIG: Well, we are only concerned with derogatory information here which the Veterans Administration has against my client.

Now if there is no derogatory information concerning him in connection with any association with Grossman, why raise it?

He used to be connected with a Civil Rights Congress around here, too. I am referring now to this Aubrey Grossman.

MR. LYNCH: I think, Mr. Besig, the reference to Grossman perhaps would bear relevancy more than anything else to the charge that was withdrawn.

MR. BESIG: Oh, yes, Council for Civic Unity. He was on the board of that back in 1934 or '35.

MR. LYNCH: Also the Civil Rights Congress.

MR. BESIG: But the Civil Rights Congress is not an issue here.

MR. LYNCH: So we will withdraw that question, and likewise, the reference.

MR. BESIG: And the other two formerly on the board of

the Civil Rights Congress, very likely, Oleta Yates O'Connor and then there is another man.

MR. LYNCH: Doctor Berne, are you a member of the Communist Party?

DR. BERNE: No, sir.

MR. LYNCH: Have you ever been a member of the Communist Party?

DR. BERNE: No, sir.

MR. LYNCH: Have you had occasion to see or review the list of organizations within the purview of the Executive Order 10450 that was issued by the Attorney General of the United States?

DR. BERNE: Since I don't know the administrative details, I would ask you whether you mean what is commonly referred to as the, "Attorney General's List?"

MR. LYNCH: That is right, yes.

DR. BERNE: I have seen a copy of this posted in this building, and I glanced through it out of curiosity with no feeling that it particularly would have any bearing on my own.

MR. LYNCH: Did you look through it?

DR. BERNE: Glanced through out of curiosity, since I have no --

MR. LYNCH: Did you see any organization there of which you were a member?

DR. BERNER: No, sir.

MR. LYNCH: Or ever had been a member?

DR. BERNER: No, sir, and I did not anticipate seeing anything like that. That is why I looked at it, merely out of curiosity.

MR. LYNCH: Doctor, in the general way -- Now, Mr. Besig may object to this because it is not right on the ball as to the charges, perhaps, but I am going to ask you at any rate: Can you give me some idea, with respect to your views respecting the continuance of our constitutional form of government?

DR. BERNER: Yes, sir.

MR. LYNCH: In the general informal way, what you think of our set-up here so far as government is concerned?

DR. BERNER: I was going to do that at the end of this session, if you hadn't asked me that question. I was already prepared in my mind to say something about this.

First of all, the most explicit expression I made about this was at college, where I was, you might say, a notorious anti-communist in my writing for the little college papers.

Well, generally speaking, I have an aversion to all forms of totalitarian government. I get this from reading, from whatever I have run into in my travels of totalitarianism or from talking to people who have experienced this.

I feel that I personally would be very distressed to

have to live under such conditions, both in my every-day living and certainly in my scientific work.

As far as the American Constitution is concerned, I know as much about it as, let's say, the average person, but I also have, perhaps, given it some extra thought in my studies of group dynamics, which is one of my interests at present, and I certainly feel that it was a great accomplishment in human organization.

I perhaps might say that my coming to this country was with the feeling that the American Constitution perhaps was more attractive to me than the political organization in Canada today, which is very fine and very favorable, but I think takes second place rather than first place, the first place, I feel, being occupied by the American form of government. And this was my motive for coming to this country.

MR. LYNCH: Doctor, I have no further questions.

Mr. Besig, would you like to say anything?

MR. BESIG: I have no questions but I would like to make a brief statement for the record.

Now I have had a bit of experience with these cases before. I think I have handled a dozen or more security and loyalty matters before the Veterans Administration. And I have had some dealings with security matters involving professional people, particularly those under contract to the Veterans Administration, people who give a day a month or

half a day a month to the Veterans Administration.

MR. LYNCH: Pardon me, is this a general reference you are going to make, Mr. Besig, to the Administration or is it going to be in relation to Dr. Berne?

MR. BESIG: This is in relation to Dr. Berne.

MR. LYNCH: Because I would like to keep on the beam with Dr. Berne here, if we can.

MR. BESIG: This is with reference to Dr. Berne that I am expressing this concern.

I have been particularly aware, as have other professional people who have consulted me, concerning the willingness of the Veterans Administration to grant to these professional people about whom it has some derogatory information, an interview. Following the interview, we have discovered that a clearance has been granted, and after the grant of a clearance, that ends the matter. The person is not restored to his previous association with the Veterans Administration, but in effect, the Veterans Administration has cleared itself of a problem. It has given a kind of due process. It has relieved itself of a problem. It has cleared the man but it never takes him back.

Now it is that kind of a procedure that I want to note for the record that I am aware of and that I express a concern about.

I sincerely trust that that sort of procedure will not

be followed in Doctor Berne's case.

I suggest, Mr. Lynch, that if there is a clearance in this matter, that there should be some renewal of the relationship which previously existed.

If this is just a means of clearing the record for the sake of the Veterans Administration, I am not interested in participating in this thing. It is a waste of my time and a waste of Doctor Berne's time, if we are just going through motions for that purpose.

Doctor Berne presently receives no compensation from the Veterans Administration. He has no job with them. But if he is not going to receive any job; if he is not going to receive consideration for future jobs, what are we doing this for?

But I have seen just that sort of a situation arise, and as I say, it is a matter of concern to me and to other professional people. People at universities have consulted me about it.

Specifically, I represented some woman down in Los Angeles who came to Washington, D.C., and was represented by Mr. Carliner there. I do not know whether you were in on that interview or not.

MR. LYNCH: I do not recall it. I do not think I was.

MR. BESIG: But we have received a number of complaints to the effect that once this interview is held and the person

is cleared, that ends it.

Now it does not end as far as I am concerned, and I want the record to reflect my concern.

I have no questions. This interview is something that I participated in; that I urged Dr. Berne to participate in because we were quite willing to furnish any information to the Veterans Administration that would clarify this matter for them.

I have always held the view that this is one of the most tenuous cases that I had ever been in contact with, and I have handled hundreds, literally, hundreds of loyalty and security cases since 1947.

I, myself, feel that there has been a slip-up here, a slip-up that occur in any agency, in any office. I think this is a case that should not have resulted in charges. It could have been disposed of without any charges. It could have been disposed of on the basis of written derogatories and a reply.

I think it is unfortunate that so much of my money as a taxpayer has gone into this particular case. I regret it.

On the other hand, I appreciate that errors can be made in any administrative agency, and I sincerely trust that the errors that have been made in this case will be rectified without further hurt to Dr. Berne. Thank you very much.

DR. BERNIE: May I make a final statement?

MR. LYNCH: I would like to say a word there. Just hold it, will you?

Mr. Besig, I can fully appreciate the force of what you say. While I am not wholly conversant with administrative actions following interviews of this kind, my impression is that by no means, does it follow routinely, that one who may obtain a clearance following an interview of this kind is not returned to his duty, but quite to the contrary, and I can assure you, and I now speak for the Administrator, that the Administrator is keenly alive to any injustices to any of his employees. And I can assure you that he would not, knowingly, permit any practice wherein the Veterans Administration took a procedure of this kind to close out the case and then forgot about the man.

And I shall promise you now, that I will bring this particular point to which you now refer, to the personal attention of the Administrator, for I feel that he would want me to do that, knowing as I do, how much concerned he is with the human welfare of these employees -- human element of these security proceedings.

MR. BESIG: I appreciate those assurances, Mr. Lynch.

MR. LYNCH: Dr. Berne, did you have something you wanted to say?

DR. BERNE: I would like to say that if as a result of this interview, I am not cleared, I intend to demand a full

hearing.

If as a result of it I am cleared, I want to be cleared in all files, not only Veterans Administration, but in whatever --

MR. BESIG: The Veterans Administration, unfortunately, cannot do anything but handle its own files.

MR. LYNCH: You are correct in that, Mr. Besig.

DR. BERNE: But I can say that anyway; that I expect to be cleared in all files, not only the Veterans Administration.

For over three years I followed my orders in the Army which, to me, was doing my part to protect the American Constitution. And I went through what people go through in order to leave their ordinary lives and go into the Army.

And so I expect that in return I would be treated like anybody else under the Constitution.

MR. LYNCH: Thank you, Dr. Berne. I appreciate very much your attendance here and the very manifest sincerity in your replies to our questions.

And I thank you, Mr. Besig, for your enthusiasm and for your able representations.

MR. BESIG: May I say that I am grateful to you, Mr. Lynch, for the courteous treatment which we have received here. You are a courteous gentleman representing the Administration.

DR. BERNE: I second that.

MR. LYNCH: Thank you, sir.

The interview is now closed.

(Whereupon, at 2:00 o'clock p.m., the interview in the above-entitled matter was closed.)

— — —
Eric Lennard Berne

Subscribed and sworn to before me this day of , 1955,
at San Francisco, California. I hereby certify that the affiant read the
above transcript consisting of 66 pages prior to affixing his signature
thereto.

Corrections to transcript of hearing before Veterans Administration of Eric Lennard Berne at 49 Fourth Street, San Francisco, November 2, 1955 in connection with Executive Order 10450, conducted by George H. Lynch, Assistant Associate ~~General~~ Counsel, V.A.

The Following errors occur in this transcript. Other errors and omissions may occur, but the following are noted at this time:

Page 9. Inglewood should read Englewood.

Page 12. "Clinical Association of San Francisco Psychoanalytic" should read "Clinical Associate of San Francisco Psychoanalytic"

Page 31. Second paragraph from bottom. "most reputable civic periodicals" should read "most reputable scientific periodicals."

"apprehension of the advance of signs, intents the ultimate" should read "apprehension that the advance of science, and hence the ultimate"

Page 33. end of first speech. "whether there are any names" should read "whether there were any other names."

Page 44. Last line. "on his old friends." should read "on these old friends."