

Report
of the
Un-American Activities Commission
State of Ohio
1953 · · 1954



EDWARD LIKOVER

was sworn and testified as follows:

By Mr. Isaacs:

Q. Will you state your name, please?

A. Edward Likover.

Q. Where do you reside, Mr. Likover?

A. 2061 Goodnor Road, Cleveland Heights.

Q. How long have you been a resident of Cleveland, Ohio?

A. All my life.

Q. Where and when were you born?

A. Cleveland, Ohio, December 6, 1916.

Q. Where are you employed at the present time?

A. Mr. Chairman, I would like at this time to decline to answer that question. I will give my reasons for so declining.

Chairman DEVINE: You may do so.

The WITNESS: In the first place, according to Article II, Section 8 of the Constitution of the State of Ohio, since the General Assembly has passed legislation proposed by this committee and is now adjourned sine die, there is no legal action to be served by further meetings of this commission, and their actions are illegal in so doing. I cite numerous court decisions; for instance, Rhue vs. Gablin, Kilbourne vs. Thompson, and others that I reserve to cite at a later time, to the effect that when the act that has been duly passed by the Legislature, there is a complete exercise of the power to legislate.

I would like to submit that no authorization, even by the State Legislature, can controvert the Constitution, which is being done by this committee here.

Second, Article II, Section 32, Constitution of Ohio, prohibits the General Assembly from exercising any judicial powers not listed in Article II. This commission is exercising judicial functions. Other witnesses, I believe, have cited statements of Mr. Isaacs in the press, particularly those of Thanksgiving Day's in the Cleveland Press, in which he said persons subpoenaed here will be given an opportunity to confirm or deny charges.

I have been sitting in this court room, and I mean that in more ways than one; I have been sitting in this court room for two days, now, and in my opinion, I have seen Mr. Isaacs act as a prosecutor, and this committee act something in the nature of a military court-martial.

I further decline to answer any questions put to me by this commission according to the First Amendment of the United States

Constitution, which guarantees freedom of speech, press and assembly, and under comparable sections of the Ohio Constitution; namely, Article I, Section 3, on right of assembly, Section 11, to freely speak and write, and Section 20, which says that any enumeration in the Ohio Constitution does not remove any other rights from the people of the states. All other rights reside in the people of the state.

These are my reasons for declining to answer.

Chairman DEVINE: We will assume, then, Mr. Likover, that in the future, if you decline to answer questions, that you are declining for the reasons that you have just stated?

The WITNESS: That will be agreeable to me.

Chairman DEVINE: All right.

Mr. Latta: This witness has made one assumption that I would like the record to clarify, and that is, he has assumed that there will be no further anti-subversive legislation passed by the Legislature of this state, and I am certain that he has assumed wrong.

The WITNESS: I would like to point out, if I may, Mr. Latta, that this Legislature has reached the lowest point, it seems to me, in such legislation. Anyone who has read House Bill 308 without chills running up and down his spine, the horror of it all, and the grab-bag nature of this legislation, just including anything and everything that anyone may think or say, I think a person who hasn't read that legislation should read it. I advise all people in this room to get hold of House Bill 308, product of this commission, passed, incidentally, over the veto of Governor Lausche, by one unfortunate vote.

By Mr. Isaacs:

Q. Mr. Likover, in a general way, what has been your educational background?

A. I am going to decline to answer all questions of this commission because, first, in my opinion, it is illegal in nature. Second, I have read the reports the Commission has in that blue book on the table there, for '51 and '52. I have listened for two days. I think you are invading the rights of freedom of speech and assembly, and I think each member of the Legislature sitting here should know better, and, I am afraid, does know better.

Q. Isn't it a fact, Mr. Likover, that you are a public employee and derive your income from the tax money as an employee of the school system here; isn't that correct?

A. I decline to answer that question, but I might imply that it is my opinion, and the opinion of the American Federation of Teachers, my union organization, that teachers should not be subject to

any special restrictions, and I think there you are threatening a special restriction. Teachers are citizens, and to imply that they have some restriction on their private matters not applicable to other citizens is an invasion of their rights, as I have cited under the Constitution.

Q. Now, you mentioned teachers. Actually, you are not a teacher, are you, Mr. Likover? You are giving instruction in driving, isn't that correct?

A. I decline to answer the question, but you may say what you will for the record.

Q. Of course, you issued a statement to the press in which you arrogated a great deal to yourself in saying that the entire school system of the City of Cleveland was going to be on trial here today because you as a public employee happened to be subpoenaed.

I will ask you if it is not a fact that when you entered into this employment with the—

A. Just a minute, Mr. Isaacs. You—I would like to have you stop there. You are quoting me, and I will quote you; you say here, "There is a cross-section"—this is the Cleveland Press, so, as a member of the cross-section, I think I have a right to assume that I represent the section behind me. I think that answers your statement. Besides that, I decline to answer any question you give to me.

Q. Now, you mentioned the acts of the Legislature.

Mr. LATTA: Mr. Isaacs, I don't believe you completed the question.

Mr. ISAACS: I am moving on to something else. I will ask that later.

By Mr. Isaacs:

Q. I will call your attention to Section 143.272 of the Revised Code of the State of Ohio, which states that it shall be sufficient cause for the removal of any public employees, including teachers in the public school or any state-supported educational institutions when such public employee or teacher advocates, or wilfully retains membership in an organization which advocates overthrow of the government of the United States, or of the state, by force, violence, or other unlawful means.

Let me also call to your attention the following section of the Revised Code of the State of Ohio: Section 14, which states on the hearing of any question of fitness of any person holding a job under authority of this state, the fact that he, being called before a duly authorized tribunal or in an investigation under authority of law, refuses to testify concerning his membership in an organization

which advocates overthrow of the government of the United States or this state by force, violence, or other unlawful means on the ground that his answers might tend to incriminate him, shall constitute unfitness of such person for holding such position, job, or office.

I merely call your attention to the fact that those laws are now on the books of the State of Ohio, and I will ask you if you are now or have you ever been a member of the Communist Party?

A. Now, first, the lengthy statement you made previously, I think if you will consult with your stenographer here, I made no statement about incriminating myself before the committee. I did not invoke the Fifth Amendment or Article I, Section 10 of the Ohio Constitution.

Q. I am simply calling these sections of the law to your attention.

A. I object to your calling anything to my attention that doesn't apply, as most of the testimony you are making doesn't apply. I decline to answer your question.

Q. I want to ask again to make sure we have the declination clear. Are you now or have you ever been a member of the Communist Party?

A. I decline to answer, and further point out that neither this commission nor anything like it has any business asking a person what political party or other organization they belong to, and you know better, every one of you.

Q. I ask if it is not a fact when you entered employment for the Board of Education of the City of Cleveland, you signed a loyalty oath and affidavit?

A. I decline to answer that question.

Q. I ask you if it is not a fact that on June 16 of 1949, you signed the form prescribed by the Cleveland Board of Education which states, "I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties of the office to which I am appointed, so help me God.

"I do not advocate, nor am I a member of any organization that advocates, the overthrow of the government of the United States of America by force or violence, or other unconstitutional means or that seeks by force, violence, or other unconstitutional means to deny other persons their rights under the Constitution of the United States, including, without limiting the generality of the foregoing, organizations such as Communists, Fascists, and Nazis.

"I do further swear or affirm that I will not so advocate, nor will I become a member of such organization during the period that I am an employee or member of the Cleveland Board of Education."

That form is then signed and sworn to. Did you sign such a loyalty oath and affidavit for the Cleveland Board of Education?

A. I decline to answer your question and further point out that this and many others that you are bringing up, or seem to intend to bring up, are only asked that you know that I am going to refuse to cooperate with illegal actions of this commission.

Q. I ask you if it is not a fact that you were in attendance at Ohio State University?

A. I decline to answer that question.

Q. During the year 1939?

A. I decline to answer that question.

Q. I will ask you if it is not a fact that, during that period of time, you first became a member of the Communist Party?

A. I decline to answer that question, and wish to again emphasize a point which the members of this commission perhaps should have emphasized to them, that they have no right, and they are in violation of the Constitution of the United States and Constitution of the State of Ohio in delving into the political beliefs or associations of any person. You are treading on ground from which you are prohibited.

Mr. YODER: Mr. Likover, do you believe that any government, this government or any other government under the sun, could long survive if within that country there are organizations or individuals who believe in the overthrow of that government by force, if that country or the states in that country do not take action in regard to it?

The WITNESS: Mr. Yoder, you and the rest of this commission—I am declining to answer that question, but I have a comment on it—are showing a lack of confidence in the American people. You want to sort of wrap them in cellophane. You are afraid they might get some ideas that you don't like.

I decline to answer the question.

Mr. BARTUNEK: May he be instructed to answer the question?

Chairman DEVINE: He has declined.

Mr. SHULL: Mr. Likover, do you consider the Communist Party a political party?

The WITNESS: I will allow rulings by other people and decline to answer that question, but I will say this, in Hitler's Germany, they didn't kill any human beings in the concentration camps; they

said they were sub-humans, all the Jews, Poles, and everyone in there. The Klanners say they are not lynching a human; a Negro is not a human being. When you ask if it is a political party, I hope somebody doesn't some day say this about a political party. All you have to say is it is not a political party.

I decline to answer the question.

By Mr. Isaacs:

Q. During that period of time on the Ohio State University campus, were you a leader of the American Student Union?

A. I decline to answer that question. I would like to also point out that—

Chairman DEVINE: Mr. Likover, we said at the outset that witnesses will be afforded an opportunity to make a statement at the conclusion.

The WITNESS: I am not making a statement. Let me clarify myself.

Chairman DEVINE: You made a statement and enlarged on that. If you decline to answer the question, that is it. At the end, if you want to make a statement —

The WITNESS: In the interest of fairness, I would like to point this out: Your counsel knows that I decline to answer, and he has already made some, and will continue to make, all sorts of innuendos. I am holding to my constitutional rights, and the illegality of your actions to decline to answer, but I also have a right to combat these innuendos. You can't take that away from me.

Mr. CASSEL: The best thing right now would be to answer the questions.

The WITNESS: Sir, you are sitting here, allowing the Constitution to be violated. I don't have the right to do that, and you don't either, but I see it as my duty to my fellow citizens, if you will. Thomas Jefferson, in a letter to Benjamin Rush, said that "even for yourself, you may stand up, but you do not have a right to give up your rights, because other people are to be considered here, too."

Mr. SHULL: Don't you consider the two court decisions that have already upheld the legality of this commission? Don't you respect those decisions? The Common Pleas Court of Franklin County and the Common Pleas Court of Hamilton County have already upheld the legality of this commission.

The WITNESS: I was talking about the legality of this hearing, sir. As I have heard it as a judicial proceeding, it is in violation of the Constitution. I don't know if this question was raised to the Franklin county court.

Chairman DEVINE: Proceed, counsel.

By Mr. Isaacs:

Q. Isn't it a fact that, during the period that you were on the Ohio State University campus, you were the subject of investigation for your alleged Communist activities at that time?

A. I decline to answer.

Q. Do you recall being called before an investigating committee of the Board of Trustees of the Ohio State University?

A. I decline to answer.

Q. I would like to ask you this question: Do you think that Russia could be compared to the United States from the standpoint of democracy and from the standpoint of civil liberties?

A. I decline to answer that question, and I think it is a presumptuous question, on the basis that I have never been to Russia, and I am no authority thereon, sir.

Q. Now, that question, in just exactly that form, was asked you by the chairman of that investigating committee on March 17, 1939, Ohio State University campus, and your answer at that time was, "Gosh, no."

Now, have you changed your views since that time?

A. Well, let's see; that is fourteen years ago, isn't it?

Q. That is correct.

A. First, I am going to decline to answer. Second, I would like to point out that, in terms of declining to answer, times have changed. That was only the day of the beginning of investigations, and the beginning of the Dies Committee. Now we have a raft of them, including your own. Times are different. In declining to answer, I want to point out that going back all these years serves no purpose. It is ex post facto, you lawyers would say, ex post facto.

Q. On that same date, Chairman Dargusch asked you, "What is your viewpoint on Communism?"

You said, "I don't know too much about it. I suppose if you come right down to it, I am pretty much against it. If they are against Democracy, I am against them."

Has your view on that subject changed since that time?

A. I am declining to answer all questions put to me by you, sir.

Q. I ask you if it is not a fact that, during 1940, you signed the Communist Party nominating petition, giving your address at that time as 3358 East 143rd Street, Cleveland, Ohio?

A. I decline to answer that question, and I would like to point

out that you are now attacking the right to petition. By the time committees like you get done, the people are going to be afraid to sign even a nominating petition. I think that is part of your purpose. You don't want the people to think about anything; just do what is proper, let's say.

Q. Did you ever serve in the Army of the United States?

A. I decline to answer the question. These things are a matter of record, and have no validity before this committee.

Q. As a matter of fact, you did serve in the Army, did you not, from 1942 to early in 1946?

A. I decline to answer.

Q. At that time, you took an oath of allegiance to this country, did you not?

A. These things are a matter of record. I decline to answer.

Q. As a matter of fact, you were a member of the Communist Party at the time you entered the Army; isn't that correct?

A. I decline to answer.

Q. When you got out of the Army, did you retain a commission in the reserve?

A. I decline to answer.

Q. As a matter of fact, you did retain such a commission in the reserve and signed a new affidavit of loyalty to the United States; isn't that correct?

A. I decline to answer; I decline to answer; I decline to answer.

Q. I will ask you if it isn't a fact that your reserve commission was revoked by the United States Government on December 15, 1952?

A. I decline to answer, but I would like to state with reference to revocations of commissions that the order on which my name might have appeared had the names of about 300 people on it who were separated from the service due to lack of participation.

Chairman DEVINE: That is also a matter of record, isn't it, Mr. Likover?

The WITNESS: Well, I was afraid that perhaps learned counsel would not put that in the record. He seems to be very selective, if I may say so.

By Mr. Isaacs:

Q. I ask you if it is not a fact that upon your leaving the Army in 1946, you immediately resumed your activity in the Communist Party here in Cuyahoga county?

A. I decline to answer.

Q. I ask you if it is not a fact that you were made a member of the Central Committee of the Communist Party in this county in 1946?

A. I decline to answer.

Q. I ask you if it is not a fact that on the 13th of June, 1946, you were in attendance at a meeting of the Central Committee of the Communist Party in Cuyahoga county?

A. I decline to answer.

Q. I ask you if it is not a fact that, during that period of time, you were a member of the Cedar-Central Branch of the Communist Party in this city?

A. I decline to answer.

Q. I will ask you if it is not a fact that you were subsequently elected the organizational secretary of the Cedar-Central Branch of the Communist Party in this county?

A. I decline to answer.

Q. I will ask you if it is not a fact that on orders of the Communist Party in 1951, you began to withdraw your public activities on behalf of the Communist Party?

A. I decline to answer. I might point out that is sort of a negative thing.

Q. I will ask you if on instruction of the Communist Party at that time, you began to enter the underground apparatus of the Communist Party of this county?

A. I decline to answer. This sure sounds "cloak and dagger," I might say.

Q. I will ask you if it is not a fact that the underground apparatus, you are being trained in is to replace leaders who will not be available in the event the Communist Party is subsequently declared an illegal organization in this state?

A. I decline to answer. By the way, did you say that a Party might be declared illegal in this state?

Q. That is correct.

A. I thought that is what you said.

Q. Were you active with other Communist Party members in an organization on behalf of the convicted atom spies, the Rosenbergs, of this city?

A. I decline to answer, but I would like to point out a couple of innuendos there that you have made. First, the question of the Rosenbergs, I think the idea that these people have been too harshly punished was widely protested by millions of people all over the world.

Secondly, it is my conviction that these people were convicted of conspiracy, and not necessarily espionage. You as a lawyer should not blow these things up beyond what they are.

As a matter of fact, since what you say to any person before this commission reflects on all people before it, I would like to mention the word "traitor" that you have thrown into this in connection with Smith Act hearings. You are a lawyer. You know there was no treason or conviction as a traitor there, and I would like to point out to the Commission here that that is creating an innuendo and slander which applies to all people appearing before it. I think it would be well if counsel were to withdraw this.

Q. For the record, I have no intention of withdrawing any question about people convicted under the Smith Act as traitors to this country.

A. That is not a legal fact. You are a lawyer, you understand.

Mr. BARTUNEK: May we proceed with the record?

The WITNESS: May I put in the record that counsel refused to rectify this?

Chairman DEVINE: The record is clear as to what counsel said.

The WITNESS: A discrepancy, in fact, to put it mildly.

By Mr. Isaacs:

Q. Mr. Likover, I ask you if it is not a fact that you are at the present time a member of the Communist Party, active in the underground apparatus in the Communist Party in this city?

A. I decline to answer.

Mr. ISAACS: I have no further questions.

(Witness Excused.)