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Ex-Communist Witnesses. By Herbert L. Packer.

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the thinking of some that the best way to cure court congestion is to remove the jury's head. Dean Jointer presents a more temperate therapy. This volume will prove particularly useful to those students of government who are concerned with improving the judicial system.

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EX-COMMUNIST WITNESSES. By Herbert L. Packer. Stanford California: Stanford University Press, 1962. Pp. 279. \$4.95.

This well-written and carefully documented volume is the result of what is obviously a painstaking and detailed examination of many pages of testimony and various court proceedings, hearings before the House Un-American Activities Committee and hearings before several Senate Committees and Subcommittees, some of which were used by the late, and to many of us, unlamented, Senator McCarthy, in his rise to notoriety.

Indeed, the author has revealed that he did examine over 2,000 pages of testimony in such proceedings. The book may be characterized both as a serious study of the inadequacies of administrative hearings in determining facts and the limitations of our courts in the investigation of political and social problems. Further, it is a variety of non-fictional "who dunnit."

Mr. Packer's announced purposes are twofold:

(1) To examine the advantages and disadvantages of court proceedings involving the activities of members or alleged members of the Communist Party as their activities may have involved some of them in violations of either the Smith Act, contempt of Congress, or perjury, and

(2) To examine the limitations of congressional investigations, as the same are conducted in this country, into the activities of the Communist Party and its members or alleged members. In this writer's opinion, he has succeeded in demonstrating that the administrative hearing before a congressional committee is woefully inadequate for a variety of reasons, not the least of which is the complete failure to provide for the traditional safeguard of cross-examination. In a similar manner, but not quite as convincingly, he has also made a case for the inadequacy of the court trial for investigations of the social and political problems which inevitably arise in this country from legislative attempts either to outlaw or to regulate the activities of the Communist Party and/or its members.

But by far, the more fascinating aspect of his book is the method that he has utilized for demonstrating his points of view. It is this method that commends his work to the serious student of these problems. He has selected four of America's most prominent witnesses, or, depending upon one's biases, four of America's most notorious witnesses, who have given testimony since the

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end of World War II before various courts and congressional committees. Whittaker Chambers, Elizabeth Bentley, Louis Budenz, and John Lautner are the stars of the book. These are names that have become well-known to many Americans; to many of us they are symptomatic of both the frustrations and the pressures probably inherent in the personalities of persons who initially have plunged into Communist Party work through conviction and idealism, only later to become embittered and then to turn upon their former friends and associates. The reliability, veracity and integrity of these persons have been subjected to an intense scrutiny and microscopic examination by Mr. Packer. He has examined their testimony over thousands of pages, has examined the testimony of the subjects of their accusations, asked searching questions concerning witnesses not called on critical issues of fact, and has arrived at a number of conclusions about the methods employed by the interrogators in these many proceedings. Mr. Packer has demonstrated the inherent contradictions in much of the testimony of some of these witnesses; he has also demonstrated the same in those they have accused. His method is a fascinating one but requires undivided and constant attention from the reader.

This writer is one of many persons who has remained skeptical concerning the methods of the congressional committees; this book has at least provided a scientific, rational support for such skepticism. This does not mean that Mr. Packer, from his studies, has concluded that the "Ex-Communist Witnesses" are untruthful; it certainly does not mean that he has in every instance found either them, the Senators McCarran, McCarthy, *et al.*, the Congressmen Walters, *et al.*, and some of their staff counsel, completely reliable and honorable. What this writer believes he has found is that the method of investigation of the congressional committees is completely inadequate to accomplish any serious, objective and scientific study of alleged problems of subversion. Indeed, without being obvious, he has demonstrated by his calm, reasoned approach that these committees are neither equipped to perform such a function, nor are their personnel seriously interested in arriving at the truth.

Because human beings possess many frailties, not the least of which is the enjoyment of similar points of view shared by others, Mr. Packer's study is, in this writer's opinion, not only admirable, but well worth the effort it requires to read and understand. It should be read by persons who are seriously interested in the abuses of our congressional investigations, by persons who are merely interested in the fascinating accounts of the careers, as witnesses, of the "Ex-Communist Witnesses," and certainly by members of the legal profession, some of whom perhaps may acquire a greater understanding and appreciation of the problems arising from due process or the absence thereof in this general field.

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