

Why did you not pursue the additional ones that these have identified? There is no question they have already been revealed to the public as informants.

Mr. YEAGLEY. I am not familiar with the exact numbers that you referred to, but I am sure that your information is substantially true.

I would make two points: One is when they identify so-and-so as a member of the Communist Party, we must go beyond that in preparing a petition. We must find out how long they knew this, how they knew it, under what circumstances, did it come to them by direct evidence or hearsay, which is often the case within the party.

We must make sure that we feel we have two witnesses to the same membership, not merely one witness to each membership, and I think that has been our position throughout in filing these cases, that we have two witnesses testify to the same person's membership.

The other factor that may have been true here, although I don't remember, we have to show that the person was known by the witness to be a member of the party at the time the petition was filed.

We can't get an order against a person who resigned before the petition was filed. Consequently, if an informant has been out of the party for 9 months or longer or some similar period of time, he ordinarily cannot testify to current party membership.

Mr. WATSON. Is it not your responsibility to identify them as a member or a former member of the Communist Party?

If you follow the position you are taking there now, you would absolutely never proceed against anyone because if you get the information today, by the time you bring your petition tomorrow he could be out of the party and you could not swear that he was still a member of the party.

Is it not your responsibility to bring the petition upon the basis that they are or were formerly a member of the Communist Party? And in these instances these people identified them as members of the Communist Party, and you proceeded in a number of cases on the basis of these informants' testimony, direct testimony, not hearsay, that they were members of the Communist Party. Why have you not proceeded in the other instances?

Mr. YEAGLEY. For the reasons I have stated. We must have current evidence, two witnesses as to the same member that they knew as of the date of the filing of the petition he was a member of the party.

If a person leaves the party and identifies others 9 months later, that would not be current evidence. They can only identify them as of the time they knew them in the party.

Mr. WATSON. In other words, now your regulation is that you require two people to identify a member?

Mr. YEAGLEY. I think we have always followed that policy.

Mr. WATSON. In other words, you have to have two informants in every case?

Mr. YEAGLEY. Yes, or corroborating evidence. If we can corroborate it with documentary evidence or some other way, plus one witness, that is all right.

Mr. WATSON. Are you saying that 100 identified by Julia Brown and 75 by Holmes, are you telling this committee that it was not justifiable that you proceed to file a petition to identify these people?