

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

PHILIP FRANKFELD, also known as  
Phil Frankfeld,  
GEORGE ALOYSIUS MEYERS,  
LEROY HAND WOOD, also known as  
Roy H. Wood,  
REGINA FRANKFELD,  
DOROTHY ROSE BLUMBERG, also known as  
Dorothy Oppenheim Blumberg, and  
MAURICE LOUIS BRAVERMAN

Criminal No. 22322  
Criminal No. 22322

**TRANSCRIPT OF PROCEEDINGS**

Before  
HON. W. CALVIN CHESNUT  
Judge

Monday, March 10, 1952

Volume I

(Page 1 to page 216 )

FRANCIS T. OWENS  
Official Reporter  
537 Post Office Building  
BALTIMORE 2, MARYLAND  
Saratoga 7126

U.S. DISTRICT COURT  
BALTIMORE 2, MD.

U.S. DISTRICT COURT  
BALTIMORE 2, MD.



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FOR THE DISTRICT OF MARYLAND

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	:	
vs.	:	
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GEORGE ALOYSIUS MEYERS,	:	
LEROY HAND WOOD, also known as	:	Criminal No. 22322
Roy H. Wood,	:	
REGINA FRANKFELD,	:	
DOROTHY ROSE BLUMBERG, also known as	:	
Dorothy Oppenheim Blumberg, and	:	
MAURICE LOUIS BRAVERMAN	:	

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Baltimore, Maryland  
Monday, March 10, 1952

The above entitled matter came on for trial before  
His Honor, W. CALVIN CHESNUT and a jury at 10 o'clock a.m.

A P P E A R A N C E SFor the Government:

MR. BERNARD J. FLYNN, United States Attorney  
MR. JAMES B. MURPHY, Assistant United States Attorney  
MR. FREDERICK J. GREEN, JR., Assistant United States  
Attorney

For the Defendants Philip Frankfeld, Regina Frankfeld and Wood:

MR. HAROLD BUCHMAN

For the Defendant Blumberg:

MR. CARL BASSETT

For the Defendant Braverman:

MR. MAURICE BRAVERMAN

For the Defendant Wood:

MR. JAMES T. WRIGHT

For the Defendant Meyers:

MR. GEORGE ALOYSIUS MEYERS

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P R O C E E D I N G S

THE CLERK: The jury call, <sup>-ed</sup> Your Honor.

THE COURT: How many jurors do you have?

THE CLERK: I have about ninety five.

THE COURT: Now, gentlemen, the case assigned for trial this morning is Criminal Action No. 22322, United States of America vs. Philip Frankfeld, George Aloysius Meyers, LeRoy Hand Wood, Regina Frankfeld, Dorothy Rose Blumberg, and Maurice Louis Braverman.

Is the Government ready?

MR. FLYNN: The Government is ready, sir.

THE COURT: Are the defendants ready?

MR. BUCHMAN: The defendants are ready, Your Honor.

THE COURT: Very well.

I notice, Mr. Buchman, that apparently this morning for the first time you or some of the defendants or by counsel have filed three or four additional motions.

MR. BUCHMAN: Can we approach the Bench, Your Honor, to discuss them?

THE COURT: No. State what they are from the trial table.

MR. BUCHMAN: The first thing I would like to state, Your Honor, is a change in the arrangement of counsel. I have been requested by Mr. Frankfeld to represent him and I agreed to do so at his request.

Mr. Meyers has requested that I change my appearance as his counsel as he wants to represent himself. That is the change.

In other words, the change of counsel will be that I will represent Mr. and Mrs. Frankfeld, Mr. Wright will represent Mr. Wood. Mr. Bassett will represent Mrs. Blumberg, and Mr. Braverman and Mr. Meyers will represent themselves. That will be the arrangement.

THE COURT: I am not clear about your withdrawing as counsel for Mr. Meyers. You have been acting as his counsel, I understand, since last August.

MR. BUCHMAN: Yes.

THE COURT: What is the reason for your withdrawal?

MR. BUCHMAN: He has requested it, if Your Honor please.

THE COURT: All right. I will hear him if he desires to be heard, but it seems to me a little unusual at this late date. Is there any reason why you yourself wish to change now, Mr. Buchman?

MR. BUCHMAN: No, sir, Your Honor, except at his request.

THE COURT: Why is it, Mr. Meyers?

MR. MEYERS: I feel that my best interests will be served by serving as self counsel. I have no bone to pick with Mr. Buchman as he has done an excellent job since

then up to date, but I am perfectly convinced that my best interests now will be served by acting as self counsel in this case.

THE COURT: Well, I think you will have to be more specific than that, Mr. Meyers. I just do not understand it at all why Mr. Buchman, having no reason himself for withdrawing, and your merely making that statement now, although it is desirable that all defendants should be represented by counsel.

I notice that Mr. Philip Frankfeld, according to Mr. Buchman's present statement, now desires to be represented by Mr. Buchman, and that is entirely agreeable to the Court, Mr. Buchman having been counsel in this case now for nearly six months, and apparently having had full opportunity to familiarize himself with it and having argued many motions in the Court.

If there is some reason why you do not wish to be represented by counsel, please state it.

MR. MEYERS: Well, Your Honor, I have given a great deal of thought to this matter coming on for trial, and as the date got closer, it became clear to me, that I can only repeat that myself, that my best interests would be served by acting as self counsel. I feel that I can best present my case in that manner.

THE COURT: Well, if you definitely wish to dis-

charge Mr. Buchman, I suppose, I must observe your wishes, but you, of course, realize people who defend themselves in Criminal cases and not being familiar with Court procedure will not probably have the experience, knowledge, or flexibility in asking questions which an experienced lawyer will have.

However, we will proceed if that is your wish at the present time, Mr. Meyers.

Is there anything else, Mr. Buchman?

MR. BUCHMAN: Yes, Your Honor. In connection with the motions filed this morning, and we submitted affidavits, and I do not intend to argue them because Your Honor has previously indicated your views in connection with them.

We filed a motion to continue on the ground of prejudicial atmosphere and set forth the affidavit which is for the purpose of the record.

THE COURT: Well, is it not a fact that some weeks ago I ordered that all motions preliminary to trial should be filed by a certain time.

MR. BUCHMAN: Yes, Your Honor.

Was that in connection with the second indictment?

MR. FLYNN: Yes.

THE COURT: I think so.

MR. FLYNN: Yes.

MR. BUCHMAN: Was it?



MR. FLYNN: Yes.

THE COURT: Looking over the Clerk's index to the file here I do not see the reference to that as a written order, but it is definitely my recollection that in one of the arguments that was stated that all motions preliminary to trial should be filed by a certain date.

Do you recall the date, Mr. Flynn?

MR. FLYNN: Offhand, no, sir.

MR. BUCHMAN: Of course, these motions are conditioned by circumstances, I would say.

THE COURT: Well, if you wish to renew the motions please state the grounds of them.

MR. BUCHMAN: Well, the ground is stated.

THE COURT: In this case?

MR. BUCHMAN: In the affidavit it is stated, Your Honor.

THE COURT: Well, I notice that Mr. Meyers has just asked you to discontinue as his counsel.

MR. BUCHMAN: Yes.

THE COURT: And wishes to represent himself. Is that the affidavit you refer to?

MR. BUCHMAN: That is right, Your Honor. That recites these facts.

THE COURT: I read this affidavit.

If Mr. Meyers wishes to be heard upon it, of course,

I will hear him, but it is a repetition of similar matters with which I think you have advanced for them.

MR. BUCHMAN: Yes.

THE COURT: Weeks ago.

MR. BUCHMAN: Without repeating them we wanted to file the motions for the purpose of the record, and as I say, Your Honor, you previously indicated your position, but I wanted to perfect the record today.

Wkr fls  
10:25

Walker  
b/1  
2-1  
flw Owens  
10:25

THE COURT: Well, was there any significance to your retiring as counsel this morning in connection with Mr. Meyers now wishing to be heard on this motion which he has filed at the last minute?

MR. BUCHMAN: I did not get clearly the last question, Your Honor.

THE COURT: I say, is there any relation between your retiring this morning and his filing this affidavit?

MR. BUCHMAN: No, sir, there is no relation between that, Your Honor.

THE COURT: Well, Mr. Meyers, I will hear you briefly on the motion.

MR. MEYERS: Your Honor, the motion speaks for itself. The atmosphere that the Government has tried to create in this community over the past period of time, through the Press, the radio, the Philbrick Articles, the great publicity that was given there, attempting to try this case before it ever reached this Court, the action of the Un-American Committee, the State and City bodies getting their two cents worth in with motions or actions to investigate Communist activities in this area, and attacks against lawyers, other things listed in the affidavit, and the latest thing, in my opinion, is this Board of FBI agents that are following us all over the place, and I would like to inform the Department of Justice through Mr. Flynn we intend to be in this Court

Wb2

and fight this case through and we expect to win it, and if he wants to inform the Department of Justice, we say to the FBI agents they can go down to Florida and see what they can do down there.

This atmosphere also makes it difficult for us to try to get a fair trial. Everytime we go on the street we have a crowd of FBI agents following along behind us. It has an adverse effect upon the community as well as the defendants in this trial in particular.

THE COURT: Mr. Flynn, do you wish to reply?

MR. FLYNN: No, sir, I do not think so. All these matters have been gone through before, and Your Honor has passed on them. I do not think I have anything to say in reply to them.

THE COURT: Very well. It is all duplication of what has been presented here before, and this is presented at a very late stage of the case. As I have heard no evidence that really supports the affidavit and I am not judicially aware of any, the motion for continuance is again overruled.

Now, you have another motion, I believe, Mr. Buchman.

MR. BUCHMAN: Another motion calling for reconsideration of the motion for production of documents.

THE COURT: I have fully considered that. I cannot take further time for that.

W/b3

MR. BUCHMAN: I did not want to take any time. I wanted to clarify the record.

THE COURT: Your clarification consists of your personal statement in the affidavit, Mr. Buchman, which I have heard before in the argument and have found it insufficient.

Now, the main purpose of the motion you are referring to was your being surprised in the trial of the case by documentary evidence which you have had no time to consider. I have told you before, and I repeat, that if there are any reasonable grounds for apprehending that you are surprised by any evidence that is developed you will be given ample opportunity to meet it before you are called upon to defend against it.

There is still another motion which you have filed this morning which perhaps is timely because this is the first time, of course, that we have gotten to the stage of the case of selecting a jury panel.

Do you wish to be heard on that motion?

MR. BUCHMAN: Very briefly, Your Honor. I filed a challenge to the array. I simply wanted to make a proffer of the petit jury panels for the past five years and rest on the basis of the testimony that was adduced in the previous hearing to which the jury commissioners and the clerk testified. I have no additional testimony to offer other than that. I simply want to offer into the record -- you have already

W/b4

rejected our line of reasoning at the last hearing. I take it the ruling is precisely the same, and all I want to do is to make a proffer of proof, first, of the jury panel, secondly, of the jury panel for the past five years, and lastly the testimony adduced at that previous hearing.

THE COURT: That is covered by stipulation and will be permitted. I think the motion heretofore urged was against the selection of the Grand Jury.

MR. BUCHMAN: That is right.

THE COURT: This is the first time, of course, we have had a motion challenging the array of the petit jury. Now, the ground of your motion challenging the Grand Jury which, of course, this Court has selected in the same way from the same general class of people -- the petit jury and the Grand Jury both are selected in the same way -- the ground, as I recall it, was that you considered that there were not a sufficiently large number of persons whom you designated or classified as manual workers or daily wage earners.

MR. BUCHMAN: That is right.

THE COURT: Now, that question was examined and testimony was offered with regard to the method of selection, and the motion with respect to the selection of the grand jury was overruled and a similar motion with respect to the petit jury.

MR. BUCHMAN: That is right.

W/b5

THE COURT: Do you wish to put in the Clerk's panel of this petit jury?

MR. BUCHMAN: That is right, sir.

THE COURT: Have you examined it?

MR. BUCHMAN: Yes, I have, Your Honor.

THE COURT: Do you consider it open to the same objection?

MR. BUCHMAN: Yes, Your Honor.

THE COURT: Very well. Then we will put that in as an additional item of evidence on the point which you now present in the challenge to the array of all the petit jurors we will hear today.

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MR. BUCHMAN: I also would like, Your Honor, the record to equal the other record to the extent of putting in evidence of all the petit jury panels for the past five years.

THE COURT: I do not know that you have that available. I say, I do not suppose that you have it. I cannot take that at this late stage. You can take the present jury panel and put that in, as I said, but I cannot stop the proceedings to find out whether you have had the jury panel for the last five years in evidence or not.

MR. BUCHMAN: Can we proceed and simply defer that question until I can determine whether they are available?

THE COURT: We will proceed, yes.

W/b6

Now, do I understand that all the defendants are in Court?

MR. BUCHMAN: Yes, Your Honor.

THE COURT: Very well.

Now, the first thing to do is with regard to the examination of the jurors on voir dire which, I understand, is requested by counsel in this case on both sides.

Are there some general questions which can conveniently be put to all the jurors who are here this morning in order to avoid the necessity of repetition of the same general questions to each of the prospective jurors on their voir dire?

MR. BUCHMAN: Does Your Honor have the list of voir dire questions?

THE COURT: It was handed to me five minutes before I came into Court, so I have had no opportunity to read it.

MR. BUCHMAN: I am very sorry. It was supposed to have been taken care of prior to that.

THE COURT: I am not suggesting that you are at all in default about it, Mr. Buchman. Now, my question is Are there any of these questions which you have here, apparently four or five itemized typewritten pages -- are there any general questions which can be put to all the jurors to avoid the necessity of repetition to each one?

MR. FLYNN: If Your Honor please, the first 20 questions of those submitted by the defendants were intended



w/b7

to be asked of the entire group.

THE COURT: The first 20?

MR. FLYNN: Yes, Your Honor, marked under Section A, questions to be put to the jurors en masse.

THE COURT: All of Section A. Well, I will have to look them over now.

MR. FLYNN: If Your Honor please, if you will pardon the interruption, the Government has made a suggestion of some five questions which can be asked generally of the entire panel, sir.

THE COURT: Very well. Let me look these over, Mr. Bassett, I think you are taking the initiative on this matter. I would say that the first page of proposed questions, four or five in number, with suppositions and certain contingencies, is appropriate to put to the jurors en masse, as you have expressed it. The second page, questions 6 to 20 are, I think, not appropriate to put to the jurors as a class, but they may possibly be properly asked of some of the individual jurors on the voir dire. I am just explaining to you my reason for that view.

MR. BASSETT: If Your Honor please, it was our intention to try to get as many in the first group as possible in order to try to facilitate the proceedings.

THE COURT: I understand, but I do not think that such questions as itemized here as 6 to 20 would be proper to

W/b8

put to, say, 50 or 60 jurors en masse. I think you would have to have each juror examined more closely and individually on that, and we will deal with that when we come to it.

MR. BASSETT: Very well, Your Honor.

THE COURT: Now, in pursuance to the outline of procedure as was formally argued in this case last week, I suggested that for the purpose of saving time in the examination of jurors on their voir dire, all the prospective jurors be sworn by the Clerk to answer such questions as are propounded to them truthfully and the general questions could be asked. That may or may not eliminate some of the jurors at once. There being no objection to that, I will proceed according to that view.

Now, Mr. Clerk, will you please have all the prospective jurors in this case stand up, all the jurors?

Cvy flws  
10:35

Cavey fls  
Walker  
10:35am

THE CLERK: All petit jurors now in the court room will please stand up.

You will each raise your right hands, please.

In the presence of Almighty God, you and each of you do solemnly promise and declare that you will well and truly answer all questions propounded to you on the question of your voir dire.

THE COURT: The Court will explain to the prospective jurors the general nature only of this case. You will then be asked certain questions with regard to your acquaintance, if any, with any of the parties to the case, or those who may be associated with them in the trial of the case.

The object of such questions to jurors on their voir dire, which means when the jurors can be seen and heard, is to obtain an impartial jury of twelve.

Now, one way to obtain an impartial jury is generally to eliminate from the jury all persons who, by virtue of their acquaintance with either defendants or the Government prosecutors, or those associated with either, might tend to make a juror partial to one side or the other, or hostile to one side or the other, the great objective being to obtain a perfectly fair, unbiased, intelligent and just jury in the administration of justice.

Therefore, will you please, each of you, consider that each of these questions is addressed to each one of

you individually and if the answer that you have to any one of these questions is in the affirmative, please rise, state your name and state what is your answer.

Probably there will be very few of you who could affirmatively answer any of these questions.

Now, before I ask the questions, bear in mind that the defendants are named Philip Frankfeld, George Aloysius Meyers, Leroy Hand Wood, Regine Frankfeld, Dorothy Rose Blumberg and Maurice Louis Braverman.

The first question is, do any one of you personally know or are you acquainted with any of the six defendants? Is any one standing?

THE CLERK: Please step forward and give your name.

MR. P. FRANCIS GARRIGAN: I am in the printing business and I have done work for Mr. Braverman. I printed a brief for him that went to the Appeals Court.

THE COURT: What is your business?

MR. GARRIGAN: Printing.

THE COURT: What kind of business? What is the title?

MR. GARRIGAN: Garrigan Brothers.

THE COURT: Oh, yes, here in Baltimore. Does anyone else want to ask Mr. Garrigan any questions? I would not myself consider that disqualifies him in any

Cavey 3

way from being a juror in the case. Apparently no one else wants to ask you any further questions. You listen to the further questions.

MR. WRIGHT: I would like to ask one question, whether that acquaintanceship you have with Mr. Braverman would in any way prejudice your mind in arriving at a fair and impartial verdict based on the evidence in the trial?

MR. GARRIGAN: No.

THE COURT: I assume no other prospective juror having answered affirmatively, that none of you other than Mr. Garrigan has any acquaintanceship with any of the six defendants.

Now, the second question is this to all of you: Do you know Mr. Bernard J. Flynn, United States Attorney for this District, or Mr. Frederick J. Green, Jr., or Mr. James B. Murphy, who are Mr. Flynn's associates engaged in the prosecution of this case.

THE CLERK: Step up and give your name.

MR. JOHN EDMUND McGARRY: John Edmund McGarry.

THE COURT: Do you know Mr. Flynn?

MR. McGARRY: No, sir, I know Mr. Murphy.

I just know him, that's all.

THE COURT: You know him by sight?

MR. McGARRY: Yes.

Cavey 4

THE COURT: Do you know him in any other way, intimately in any way? Has he ever been an attorney for you or for any of your family?

MR. McGARRY: Oh, no.

THE COURT: Very well. I think that does not disqualify you in any way myself. Does anyone have any questions to ask?

MR. WRIGHT: Would the fact that you have a slight acquaintanceship with Mr. Murphy in any way bias your mind so that you would not be able to return a fair and impartial verdict based solely upon the evidence as you shall hear it given in court?

MR. McGARRY: No, it would not.

THE CLERK: Step up.

MR. JOEL M. CLOUD: Your Honor, I know Mr. Flynn.

THE COURT: Tell me in what connection do you know him, socially, intimately, professionally?

MR. CLOUD: Socially and not professionally.

THE COURT: How closely do you know him?

MR. CLOUD: I would say intimately.

THE COURT: Well then, the question as asked by Mr. Wright is, would that acquaintance with him in any way affect your sworn judgment and action as a juror based on the evidence and law in the case alone?

MR. CLOUD: Your Honor, if I may be permitted, I

Cavey 5

might have to rise again.

THE COURT: Well -

MR. CLOUD: I might have to rise again later on as these questions come along.

THE COURT: Go ahead and say what you want.

MR. CLOUD: I am in the shipping business. I represent a shipping firm here and, if I may be permitted and am not out of order, my mind is made up, Your Honor.

THE COURT: Very well, you will be excused as a juror.

I assume that no other one of the prospective jurors would answer that questions affirmatively, as to their acquaintance with Mr. Flynn, Mr. Green or Mr. Murphy.

The next question is this to all of you: Are you related to or acquainted with any employee of the Department of Justice or of the Federal Bureau of Investigation?

Now, let me elaborate just briefly on that.

Of course, the Department of Justice is the prosecuting agency of the Government and its function is also to advise officers of the Government from time to time on matters which are properly inquired about.

It has, I imagine, many thousands of employees

Cavey 6

who may or may not actually know someone without knowing whether he or she is in fact connected with the Department of Justice.

The question, therefore, as to be interpreted by each of you, will be this:

Do you know any member of the Department of Justice or member of the Federal Bureau of Investigation, which is itself a bureau of the Department of Justice?

BAG CONTENT

Owens fols  
Cavey  
10:45am



Ow fls Cavey  
10:45

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Do you know such a person and know them to be so engaged?

I hear no affirmative answers as to any of those questions.

The next general question is this: Are you, or is any member of your family, or are any of your relatives or friends employed by or associated with any other agency, public or private, which is or was engaged in the detection of law violations?

Of course, that is an extremely broad question. The best you can do about it is to just think for a moment and see if you know any acquaintances or any member of your family, if known to you, to have acquaintances with persons who are engaged in the detection of law violations.

That would include, of course, the prosecuting attorney, and I suppose would include the prosecuting attorney of the City of Baltimore or any County of the State of Maryland or any Police Officer in the City or in the State.

Do I hear any answer to that question?

Come forward please, and give your name.

THE CLERK: Your name, sir?

MR. LATCHFORD: Latchford, Joseph W. Latchford.

THE CLERK: Thirty-five on the printed list, Joseph W. Latchford.

THE COURT: How can you answer that question

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affirmatively, Mr. Latchford?

MR. LATCHFORD: That will take care of a Police Officer in the City. I am related to one.

THE COURT: Well, that is the only affirmative answer you could give.

MR. LATCHFORD: Yes, and I know a United States Deputy Marshall.

THE COURT: Very well. In my judgment, unless counsel desire to ask any questions, it does not disqualify the witness.

MR. WRIGHT: May it please the Court, I would like to ask a similar general question that I asked the other perspective jurors as to whether or not the fact of his personal acquaintance with any of the persons so named would in any way prejudice your mind so you would not be able to render a fair and impartial verdict based upon the evidence as disclosed at the trial.

MR. LATCHFORD: It would not.

MR. WRIGHT: Thank you so much.

THE COURT: And your name please?

MR. REEDER: T. Leonard Reeder.

THE COURT: Yes, sir, Mr. Reeder.

I will say for the benefit of counsel that I have not seen Mr. Reeder for twenty-five years, but he was formerly the bookkeeper with my firm some twenty-five years ago, I

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think.

MR. REEDER: A little longer than that, Your Honor.

THE COURT: You are at the Union Trust?

MR. REEDER: Yes, I am Vice-President and Secretary of the Union Trust.

THE COURT: What is your affirmative answer to this question, this broad question?

MR. REEDER: Well, I am in contact with most of the investigations whether they are income tax investigations or Department of Justice or F. B. I. or whatever they may be, all of those papers must clear through my hands, subpoenas of all kinds, investigations of income tax.

I have handled hundreds of them, and some with the Federal Bureau of Investigation, and of course quite a few of them are confidential, as you know, Judge.

THE COURT: I assume so. I don't know.

Well, with respect to this question that counsel asked whether or not it would influence or affect your judgment as a prospective juror in this case based purely upon the law and the evidence in the case.

MR. REEDER: No, sir, I don't think it would.

THE COURT: I don't think Mr. Reeder is disqualified, but if counsel wish to ask any questions, all right.

MR. FLYNN: No questions.

MR. WRIGHT: No questions, Your Honor.

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THE COURT: Step down, Mr. Reeder.

Your name?

MR. NOLTE: August Nolte.

THE CLERK: August Nolte.

THE COURT: What is your affirmative answer, sir?

MR. NOLTE: Your Honor, I believe that most everybody is acquainted with a Police Officer in Baltimore.

THE COURT: Yes. Is that all?

MR. NOLTE: That is all, sir. I know quite a few Police Officers, and a United States Marshall, only socially. I have no business with him.

MR. BUCHMAN: What number is that?

THE CLERK: Twenty-three on the printed list for Mr. Nolte.

MR. WRIGHT: I would like to ask the same question as to whether your acquaintance with a member of the Police Department, as you indicated, would in any way prejudice your opinion or your judgment in this case in connection with the verdict based upon the evidence and the law as given to you in the Court room?

MR. NOLTE: No, I would give a true verdict.

THE COURT: I see no disqualification that I can find there.

Now, the next question is, have you discussed this case or have any conversations with any person concerning

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this case since the first indictment was returned in August of 1951?

Now, that is a rather broad question. Do I hear any affirmative answer to it?

I don't.

Now, those are all the general questions that I have, that I have here.

Do counsel have any other questions that you think should be asked of the panel as a whole, and if you have, I will be glad to listen to them.

MR. WRIGHT: Your Honor, there is one additional matter which I would like to call your attention to if Your Honor please, and it is the general understanding and custom for the trial Court or the prosecuting attorney in identifying his case to state the names of those witnesses.

Since that has not been done, I wonder if we could have the names identified so we can ask the jurors as to whether they are acquainted with any of the persons as to whether that would affect their judgment based upon the evidence and the law in the case.

THE COURT: Well, what are their names?

MR. BUCHMAN: Mary Stalcup Markward, S-t-a-l-c-u-p, M-a-r-k-w-a-r-d.

THE COURT: What is that?

MR. BUCHMAN: Mary Stalcup Markward, M-a-r-k-w-a-r-d.

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THE COURT: Markward?

MR. BUCHMAN: Yes.

THE COURT: What other name?

MR. BUCHMAN: Henry Thomas, T-h-o-m-a-s, and Gladys, G-l-a-d-y-s, Thomas, T-h-o-m-a-s.

THE COURT: Yes.

MR. BUCHMAN: John Lautner.

THE COURT: What?

MR. BUCHMAN: John Lautner, L-a-u-t-n-e-r.

THE COURT: What is that?

MR. BUCHMAN: Lautner, L-a-u-t-n-e-r.

THE COURT: Lautner?

MR. BUCHMAN: Yes, Lautner.

THE COURT: Yes, I see. What else?

MR. BUCHMAN: Herbert Philbrick.

THE COURT: Philbrick?

MR. BUCHMAN: Philbrick, P-h-i-l-b-r-i-c-k.

Louis Budenz.

Charles Nicodemus, N-i-c-o-d-e-m-u-s.

That is all, Your Honor.

THE COURT: Do you state in Court, Mr. Buchman, that those persons so named are witnesses for the Government in this case?

MR. BUCHMAN: No, Your Honor, but it is the custom, as I understand it, in the Washington District, according to

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Mr. Wright, that the Government usually reveals the names of the Government witnesses, and that has not been done here.

I am giving you a list of names of witnesses who have appeared on previous occasions so that you at least can have the benefit of that information.

THE COURT: I don't want to put questions to jurors that have no real significance.

Now, those names are given --

MR. BUCHMAN: They appeared, Your Honor, before as witnesses at least in this area.

THE COURT: Well, I will ask Mr. Flynn. Do you identify any of these names as probable witnesses in this case for the Government?

MR. FLYNN: Yes, I do, but not all.

THE COURT: But not all of them?

MR. FLYNN: No, sir, not all of them.

THE COURT: Not all?

MR. FLYNN: No.

THE COURT: Well, give the names of those who are likely to be called.

MR. FLYNN: I don't identify the Thomas, the Thomas names.

THE COURT: Thomas?

MR. FLYNN: No, I don't identify them. That is one

of the names I don't identify. Then Louis Budenz. He will not be a witness in the case here.

THE COURT: He is not a witness?

MR. FLYNN: He will not be a witness, no, sir.

THE COURT: Well, I will ask the prospective jurors this question: Is any of you personally acquainted with any of the following named persons who are possible or probable witnesses for the Government in this case, and if so, would that affect your judgment adversely to give a verdict in this case based solely upon the law and the evidence in the case?

The names of the persons referred to are as follows: Mary Markward, Gladys Thomas, John Lautner, Herbert Philbrick, and Charles Nicodemus.

I hear no affirmative replies to any of those questions.

Any other general questions?

MR. WRIGHT: I don't have a question phrased with respect to this, but I did notice a number of persons coming into the Court room from time to time and I wondered whether they are mere spectators or prospective jurors?

THE COURT: Well, the explanation of that I believe is this: Judge Coleman is trying a jury case this morning, and we sent over twenty-five or so jurors to the Court, and he possibly has selected the jurors or counsel have in the



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case, and those who have not been have been coming back to the Court.

Is that right, Mr. Janne?

THE CLERK: That is right, and also Mr. Schapiro, he has come back. He is in Court. He did not answer the roll on the first call.

THE COURT: Well, when those jurors are called they can be asked those questions if they are individually selected, but I don't want to go over the ground again.

MR. WRIGHT: Thank you.

THE COURT: It may be, and I hope so, that we won't have to ask individually of these jurors the various questions.

Now, do you have some questions to ask Mr. Flynn?

MR. FLYNN: Yes, I have some general questions, and I think Your Honor has already covered some of them.

THE COURT: Well, the first question is, do you know any of the defendants or have you had any business transactions with any of them?

MR. FLYNN: You already covered that.

THE COURT: Yes, I covered that.

Well, the next question is, which is addressed to the prospective jurors in the case -- and I might say this to counsel, is there any objection to this question. I am asking counsel for the defendants. Is there any objection

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to that question? I am asking counsel for the defendants.

MR. WRIGHT: No objection.

MR. BUCHMAN: No objection.

MR. WRIGHT: No objection to any of them.

THE COURT: Very well. This is addressed to the panel of prospective jurors.

Do you belong to the Communist Party?

I hear no affirmative answer to that.

The next question is, do you belong to any organization, club, or society which is in any way connected or affiliated with the Communist Party?

That means, of course, to your knowledge.

I hear no affirmative answer.

Do you have any friends or relatives who belong to the Communist Party or to any organization, club, or society which is in any manner connected with the Communist Party?

That is of course a very broad question. I understand counsel for the defendants do not object to it?

MR. WRIGHT: No, sir.

THE COURT: Is there any affirmative answer to that question?

(There was no response.)

THE COURT: Now, with respect to this last question I have some doubt as to whether that should be asked of the

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prospective jurors as a whole. Now I will let that wait until the individual jurors are called to see whether counsel desire to propound it.

VOIR DIRE EXAMINATION OF THE JURY

THE COURT: Now, the next procedure is to call the individual jurors and have them examined on their voir dire. As I explained to counsel last week the procedure in this case is as follows: We will summons the jurors individually until we have gotten about thirty-five who are apparently eligible as unbiased and impartial jurors.

Wkr fls  
11 a.m.

W/bl  
E-1  
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11:00

When the 35 have been so obtained a list thereof will be given to the counsel and the parties and the defendants jointly will have the opportunity to strike off 15 names peremptorily, that is to say, without assignment of cause. The Government will have the right to strike six in the same way.

Now, the first prospective juror to be called, Mr. Janne, is the first man on the list.

MR. JANNE: He is Mr. Whitescarver. Has Mr. Whitescarver arrived in Court?

MR. WHITESCARVER: Here.

MR. JANNE: All right, Your Honor. Mr. Whitescarver was also a petit juror called on the original call but was not here, but has since appeared in Court. He is No. 32 on the printed list.

THE COURT: Very well.

MR. JANNE: Mr. Claude E. Nelson, Jr. Claude E. Nelson, Jr., Juror No. 1 on the printed list.

THE COURT: Mr. Nelson, please state your business, residence and general activities for the last five years.

MR. NELSON: I work for the Baltimore Sales Book Company in the capacity of field manager, and that is sales work throughout the eastern United States. I live in Catonsville.

Was there any other question?

w/b2

THE COURT: Well, that is all. How long have you lived in Baltimore or Catonsville?

MR. NELSON: I have lived in Baltimore since 1933, Your Honor.

THE COURT: I see. Now, you were here when these general questions were asked of the jurors?

MR. NELSON: Yes, sir.

THE COURT: I assume, therefore, you do not know any of the defendants.

MR. NELSON: No.

THE COURT: And you do not know Mr. Flynn or his associates or anybody particularly in the Government employ? Have you ever served as a juror before?

MR. NELSON: Since this term, yes, sir.

THE COURT: Well, I mean --

MR. NELSON: This is the first term I have ever served, yes, sir.

THE COURT: Either in a State or Federal Court?

MR. NELSON: Yes, sir, that is correct.

THE COURT: How old are you?

MR. NELSON: 42.

THE COURT: What education have you had?

MR. NELSON: High school, some college.

THE COURT: I see. Now, did you understand that the purpose of the trial of a criminal case in a court of the

W/b3

United States is to obtain a verdict of an impartial jury, a finding of facts charged by the Government, if they find them beyond a reasonable doubt?

MR. NELSON: I do.

THE COURT: Can you think of any reason affecting you personally which would tend to make you anything other than an impartial juror in this case?

MR. NELSON: I think not, sir.

THE COURT: Well, now, as to the questions that counsel asked you, if you can answer those questions, all right. If there is any objection on the part of the other side I will rule on it, but I do not personally think it necessary to pursue the matter any further.

Mr. Bassett, do you wish to ask the juror any questions?

MR. BASSETT: I do, Your Honor.

Mr. Nelson, are you married?

MR. NELSON: Yes, sir.

MR. BASSETT: Is your wife employed?

MR. NELSON: No, sir.

MR. BASSETT: Now, the concern where you are employed--

THE COURT: Mr. Bassett, please talk out louder so I can hear without trying to strain my ears or watch your lips. It is a big room.

W/b4

MR. BASSETT: Does the concern which employs you now have, or have they had since the time of your employment, any dispute with employes as to their rates of pay, wages, hours or working conditions?

MR. NELSON: Not to my knowledge, sir.

MR. BASSETT: Are you now, or have you ever been, or do you hope to be, employed by the Federal Government, or the State of Maryland, or any political sub-division--

THE COURT: Now, gentlemen, let me say this: I do not wish to be restrictive particularly about the questions that counsel for the defendants may ask, but it does seem to me that that last question is certainly a pretty broad one. I doubt the advisability of asking a man whether he ever hopes to be employed by the Federal Government. In a sense every juror is an officer of the Government in the judicial function, and his duties, of course, are to be impartial and to give a verdict based upon an impartial and fair trial.

Has the witness answered the question? Do you object to the question, Mr. Flynn?

MR. FLYNN: No, sir.

THE COURT: Will you answer the question?

MR. NELSON: The answer is no.

MR. BASSETT: Do you know any present or former member, investigator, or person on the staff of any Legislative or other Committee which is reported to have investigated or

W/b5

to be investigating alleged Communist activities?

MR. FLYNN: I object to that question.

THE COURT: Can you answer it "yes" or "no"?

MR. NELSON: I believe the answer is "no", Your Honor. I don't know of any one.

THE COURT: That is a proper construction of the answer.

MR. BUCHMAN: Well, Your Honor, will you excuse us just about 30 seconds?

THE COURT: 30 seconds? All right.

MR. BUCHMAN: Your Honor, could we approach the bench for a moment?

THE COURT: That will take more than 30 seconds, but come along.

(A discussion ensued between the Court and counsel off the record.)

THE COURT: What is the next question, Mr. Bassett?

MR. BASSETT: Mr. Nelson, have you ever read any reports or transcripts of the hearings of the House Committee on Un-American Activities or of any such State Committee?

MR. NELSON: I suppose I have read items appearing in the paper as news. I don't know whether they were transcripts of the record.

MR. BASSETT: Do you remember what persons or issues that testimony dealt with?

B-2



W/b6

(No answer.)

MR. BASSETT: Have you, or any member of your immediate family, or any of your close friends, ever had anything at all to do with the enactment, administration, or enforcement, of any of the following Federal and State laws?

The Smith Act?

MR. NELSON: No, sir.

MR. BASSETT: The Internal Security Act of 1950, popularly known as the McCarran Act?

MR. NELSON: No, sir.

MR. BASSETT: The Subversive Activities Act of 1949, popularly known as the Ober Law?

MR. NELSON: No, sir.

MR. BASSETT: Now, have you ever read or heard any explanations, accounts, summaries, or descriptions, not including the original, unabridged materials or books themselves, of any of the writings or teachings of Marx, Lenin or Stalin?

MR. NELSON: No, sir.

MR. BASSETT: Have you formed an opinion based on other materials about the ideas or theories of Marx, Lenin, or Stalin?

MR. NELSON: Yes, sir.

MR. BASSETT: What is it?

MR. NELSON: That I am opposed to it.

MR. BASSETT: Would your opposition to their theories

W/b7

prevent you from rendering an impartial verdict?

MR. NELSON: I think not, sir.

THE COURT: Is there anything else?

MR. BASSETT: Yes, Your Honor.

Are you a member, communicant, affiliate of, or have you made financial contribution to, any organization, religious or secular, whose leaders, representatives, or clergy, expressed opposition or hostility to Communists or Communism?

THE COURT: What is that, "or communicant"? What is that question? I did not hear it.

MR. BASSETT: The question, Your Honor, is this: Are you a member, communicant, affiliate of, or have you made financial contribution to, any organization, religious or secular, whose leaders, representatives, or clergy, expressed opposition or hostility to Communists or Communism?

THE COURT: Well, do I interpret that to mean, among other things, whether the juror is a member of the Roman Catholic Church? Is that the purpose of your question?

MR. BASSETT: Your Honor, it was not directed to any particular church. If he had heard such expressions we intended to follow that up by asking him if he adhered to such expression, and then if he answered that in the affirmative we intended to ask him whether that attitude might not weigh in his mind against the defendants.

THE COURT: Ask him the question if you wish to.

W/b8

MR. FLYNN: The question goes much further than that, Your Honor. It goes to institutions. It would cover labor unions; it would cover clubs; it would cover fraternal organizations, and anything else. I think it is entirely out of order.

THE COURT: I am inclined to agree with you, Mr. Flynn, but we will let the juror answer "yes" or "no" if he can.

MR. NELSON: I think the answer is "no", Your Honor.

THE COURT: The answer is "no." Very well.

MR. BASSETT: Have you read anything in the newspapers or magazines or heard anything on the radio or television concerning this case since the first indictment was returned in July, 1951?

MR. NELSON: Yes.

MR. BASSETT: Now, in connection with that information which you have received--

THE COURT: You are assuming that he received information because he read something in a newspaper or periodical?

MR. BASSETT: Yes, Your Honor.

THE COURT: I do not think that follows necessarily. He may not have entire confidence in the integrity of a publication. I have heard it said that people do not always believe what they read in the newspapers.

W/b9

MR. NELSON: May I qualify that? The first I had read of it was just a few days ago when I saw that the case had been called. That is the total extent.

MR. BASSETT: Thank you. On the basis of that reading a few days ago have you formed any opinion?

MR. NELSON: No, I would say not.

MR. BASSETT: Have you ever made a public speech or expressed any opinions to other persons or written anything for publication or to another person voicing hostility to Communism or the Communist Party?

MR. NELSON: Yes, verbally. I have never written anything for publication.

MR. BASSETT: Well, have you ever made a public speech? This is not directed to your private conversations.

MR. NELSON: No.

MR. BASSETT: Are you in favor of legislation requiring members of the Communist Party to register as such with the Government?

THE COURT: Well, now, does that not impute to the prospective juror a good deal more than the mere surface of the words indicate? "Are you in favor of legislation?" In the first place, legislation of Congress or of the State or of some other country, or legislation in the sense of drawing a bill to be introduced, to get somebody to introduce it, or approving of somebody else doing it? Your question is

E-3

#/b10

too vague, I think, Mr. Bassett.

MR. BASSETT: Very well, Your Honor, I will modify it.

What did you say with reference to your answer to the previous question where you expressed hostility in a private conversation? What did you say?

THE COURT: Was it hostility that he said he expressed?

MR. BASSETT: He said he did express hostility. Yes, Your Honor, he said that he did express hostility.

THE COURT: Well, do you think that that will disqualify a juror because he has expressed hostility to Communism?

MR. BASSETT: My following question was intended to find out how strong that was, Your Honor.

THE COURT: Very well, if you want to follow that up.

MR. NELSON: I expressed hostility as a political philosophy.

THE COURT: Do you not think you know this prospective juror well enough now?

If there are no further questions, Mr. Flynn, do you have any to ask?

MR. FLYNN: I only wish to ask one question.

Mr. Nelson, the charge in this case is a charge of conspiracy, charging these people with having conspired with

W/bll

others, briefly, to over throw the Government of the United States by force and violence and by organizing and helping organize a society whose aims were the overthrow of this Government by force and violence. Anything you have expressed or any opinions you have, would that put you in a position where you would not be able to give a fair and impartial trial to these defendants on that issue?

MR. BUCHMAN: If the Court please, I think Mr. Flynn has misstated the charge in propounding that question. I just thought that ought to be made clear.

MR. FLYNN: What was the misstatement?

MR. BUCHMAN: I think you said "conspiracy to overthrow."

MR. FLYNN: Conspiracy to teach the violent overthrow of this Government and to have institutions and societies do the same.

THE COURT: Let me explain for the purpose of saving time and duplication of the same question to the individual juror.

The charge in this case to be tried is not whether the defendants are Communists alone. That is not the charge. The charge is that the defendants with others named in the indictment conspired -- that is, agreed among themselves -- 1. to advocate then and teach the necessity and desirability of overthrowing the Government of the United States by force

Cvy  
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11:20

C/b12

and violence as soon as circumstances would permit and for the same purposes to organize unions or associations to accomplish that purpose in that way.

The gist of the charge is the conspiracy or agreement of the defendants with many others to do something in the way of overthrowing the Government by force and violence, not by constitutional means, not by peaceable and non-forceable means, and under the particular statute involved in this case, such a mere agreement would not be proved unless there is what is called an overt act shown, overt act being some act towards accomplishing the purposes if the purpose is found. That is a general explanation for everybody and will avoid, I hope, the necessity of repeating it to each one of the jurors.

It is to be borne further in mind that the burden of proof is on the United States to prove the facts beyond a reasonable doubt.

Now, Mr. Nelson, is there any reason why in your mind you cannot give an impartial verdict on this case as I have explained it to you and as will be further explained to you, depending on the law and evidence with respect to these six defendants individually considered?

MR. NELSON: I think, sir, that the charge would influence my judgment.

THE COURT: Would it influence your judgment to such an extent that you would not be able to impartially consider

C/b13

the law and the evidence, the Judge taking the responsibility of declaring what the law is, and your finding impartially the facts as to whether these defendants have so conspired?

MR. NELSON: No, in that light, I think perhaps not.

THE COURT: You say perhaps not. Is there any doubt in your mind at all that you would refuse as a juror or would be unable as a juror to give a fair verdict on the facts of the case as to each defendant?

MR. NELSON: I think I could, sir.

THE COURT: Any other questions?

MR. FLYNN: That is all.

MR. WRIGHT: I would like to move that the prospective jurors be excused for cause on the basis of his expressed bias.

THE COURT: Overruled. Step down. Call the next juror.

THE CLERK: Mr. John A. Miller.

THE COURT: Mr. Miller, what is your occupation?

MR. MILLER: I am a retired builder.

THE COURT: How old are you?

MR. MILLER: 57.

THE COURT: What education have you had?

MR. MILLER: I went to high school.

THE COURT: How long have you lived in Baltimore?

MR. MILLER: 57 years.

THE COURT: Where do you live?



C/b14  
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MR. MILLER: 6303 Mt. Ridge Road, Catonsville.

THE COURT: Do you know anything about this particular case; that is to say, any of these defendants or anything about the charge against them?

MR. MILLER: Well, my first experience in this case was reading this morning's paper.

THE COURT: Does any reason occur to your mind where-  
by you could be other than impartial in this case?

MR. MILLER: No.

THE COURT: Any other questions counsel wish to ask?

MR. WRIGHT: Yes, Your Honor. Mr. Miller, I want first to ask whether or not the newspaper clipping which you read has given you any opinion as to the guilt or innocence of the defendants now on trial?

MR. MILLER: Not at all.

MR. WRIGHT: Mr. Miller, do you or any of your relatives have any interest in or employed in a managerial or supervisory capacity in any business enterprise which at any time in the very recent past has had a dispute with any employes with respect to any wage or working conditions?

MR. MILLER: None at all.

MR. WRIGHT: Are you now or have you been or do you have any expectancy of being employed by the Federal Government, by the State of Maryland or any political sub-division of the State or any agency or institution receiving

C/b15

sums of money from any of those institutions?

MR. MILLER: None at all.

MR. WRIGHT: Do you know any person or former employe, investigator or person now serving any legislative body investigating or about to investigate any alleged Communist activities?

MR. MILLER: No, none at all.

MR. WRIGHT: Have you or any member of your family given any information by testimony or otherwise to any Governmental committee or agency reported to be investigating so-called subversive activities?

MR. MILLER: No.

MR. WRIGHT: Have you read any of the reports of transcripts of hearings of the House Committee on Un-American Activities or any such State Committee?

MR. MILLER: No.

MR. WRIGHT: Have you or any member of your immediate family had or ever had anything to do with the administration or enforcement of any of the following State or Federal legislation: The Smith Act?

MR. MILLER: No.

MR. WRIGHT: The Internal Security Act of 1950, popularly known as the McCarron Act?

MR. MILLER: No.

MR. WRIGHT: The Subversive Activities Act of 1949,

C/b16

popularly known as the Ober Law?

MR. MILLER: No.

MR. WRIGHT: Have you heard or listened to any explanation of summaries, not including the original unabridged issues or writings of Marx, Lenin or Stalin?

MR. MILLER: No.

MR. WRIGHT: Have you formed any opinion about the ideas or theories of Marx, Lenin or Stalin?

MR. MILLER: Well, from reading, you get the idea that it isn't right.

MR. WRIGHT: With that idea, do you have any pre-conceived judgment as to the guilt or innocence of these defendants now on trial?

MR. MILLER: None at all.

THE COURT: Well, gentlemen, shall we move along. Apparently there are no further questions.

MR. WRIGHT: I have a couple further questions.

THE COURT: Can you lawyers for the defendants agree who will ask these questions? Of course, if there is any difference between several defendants or counsel representing them, each one should be allowed to ask questions but certainly otherwise I think you could well agree among yourselves who could ask these questions. I don't want to be unduly restrictive but I don't want to take an unnecessary amount of time. If there are some other questions, Mr. Buchman, you have in mind,

C/b117

that you think Mr. Wright has not asked, I will permit you to ask them.

MR. BUCHMAN: We have agreed to let Mr. Wright and Mr. Bassett conduct the questioning on this and we were just discussing there several things which came up in the course of the examination.

THE COURT: Very well.

MR. WRIGHT: I have one final question. Mr. Miller, is there any reason at all as to why you couldn't sit in this case as a juror and render a fair and impartial verdict based solely on the law and evidence as you hear from the witness stand and as given you by the Court?

MR. MILLER: None at all.

MR. WRIGHT: No further questions.

THE COURT: Step down, sir.

THE CLERK: Raymond D. Menton.

THE COURT: Mr. Menton, please state your business and where you reside.

MR. MENTON: I am a supervisor for the telephone company, commercial department, and reside at 104-1/2 Osborne Avenue, Catonsville.

THE COURT: What kind of supervisor are you?

MR. MENTON: Commercial methods supervisor.

THE COURT: Do you have -- have you been in Court all morning, have you?

C/b18

MR. MENTON: Yes.

THE COURT: You have heard me state what is the general nature of the case and the duties of the juror and all that?

MR. MENTON: Yes.

THE COURT: Is there any thought in your mind that you would not be an impartial juror in this case according to the law and evidence?

MR. MENTON: No, sir.

THE COURT: Any other questions?

MR. FLYNN: None from the Government.

MR. BASSETT: Are you a married man?

MR. MENTON: Yes.

MR. BASSETT: Is your wife employed?

MR. MENTON: Yes.

MR. BASSETT: Who is her employer?

MR. MENTON: She is teaching in a nursery school at Linden and North Bend, a nursery school.

MR. BASSETT: Do you or any of your relatives have an interest in or are you employed in a managerial or supervisory capacity with any business enterprise which has at any time engaged in a dispute with employes with respect to their rates of pay, wages or working conditions?

MR. MENTON: I will say yes.

MR. BASSETT: What is that conflict been?

C/b19

MR. MENTON: Frankly, that is a broad question with four or five unions in the telephone company. In the last five years, there have been some wage disputes.

MR. BASSETT: What was your position or action, if any, with respect to the disputes?

MR. MENTON: I was not directly involved.

MR. BASSETT: Do you know any person or former employes, investigator or person on the staff of any legislative or other committee that is alleged or reported to be investigating alleged Communist activities?

MR. MENTON: No, sir.

MR. BASSETT: Do you or any member of your family or any of your close friends, have you given information by testimony or otherwise to any committee or any Governmental agency reported to be investigating alleged Communist activities?

MR. MENTON: No, sir.

MR. BASSETT: Have you read reports or transcripts of any such committee?

MR. MENTON: Not that I recall.

MR. BASSETT: Have you or members of your family or close friends ever had anything to do with the enforcement, administration or enactment of the Smith Act?

MR. MENTON: We haven't but I don't know what the Smith Act is, but I am sure we haven't.

MR. BASSETT: The McCarron Act, popularly called

C/b20

the Internal Security Act of 1950?

MR. MENTON: No, sir.

MR. BASSETT: Or the Subversive Activities Act of 1949, popularly known as the Ober Act, the one which went on referendum?

MR. MENTON: No.

MR. BASSETT: Have you read any explanations or accounts or some summaries not included in the original text but digests of the writings of either Marx, Lenin or Stalin?

MR. MENTON: Not that I recall. I May have studied it years ago but I don't recall it.

MR. BASSETT: Have you formed an opinion on some other basis about the ideas and theories of Marx, Lenin and Stalin?

MR. MENTON: Not in a political sense, no.

THE COURT: Is that all?

MR. BASSETT: No, Your Honor.

THE COURT: Let me see if I can save some time in this process by asking all prospective jurors in Court to listen to the questions that are asked by counsel to the individuals on the witness stand and possibly a general question could be asked when the turn comes. That will save the necessity of counsel repeating to each one of you each of these questions, bearing in mind at all times that if there is any reason known to you or any thought in your mind that would

C/b21

make it impossible for you or very difficult for you as an impartial juror to give a verdict in this case only on the law in evidence that you hear in the case, if there is any such situation, to speak out affirmatively so it can be inquired about more thoroughly. Anything further, Mr. Bassett?

MR. BASSETT: I have one more question, Your Honor. There are several more. I spoke too rapidly. Have you been a member or made contributions to or otherwise been associated with any organizations which had for its purpose opposition to the doctrine of the Communist Party or doctrines of Communism generally or Marxism or Leninism?

MR. MENTON: Frankly, I don't know how to answer that.

MR. BASSETT: What organization do you have in mind?

MR. MENTON: I am a Roman Catholic and it is my understanding that certain leaders have at certain times express opposition to Communism.

MR. BASSETT: Have you adhered to such expression?

MR. MENTON: I haven't thought too much about it one way or another, frankly.

MR. BASSETT: Then you are able to state without reservation what the official attitude for the church is, opposing or condemning the Communist Party and that would not weigh in your mind against members of the Party?

MR. MENTON: No, sir.

MR. FLYNN: I think that is unfair.



C/b22

THE COURT: He answered the question no.

MR. FLYNN: If we are going to have that sort of questions, I think they should be confined to the charge in this case and not whether you are opposed to or in favor of Communism as such.

THE COURT: Of course, the question assumes this witness knows what is the official attitude of the church. It assumes that. I don't know whether the witness can actually say that he knows it and, of course, Mr. Flynn's comment is correct but the juror has answered no. Let's pass to something else.

MR. BASSETT: Do you believe that Communists are un-American or subversive?

MR. MENTON: Whenever I hear the word, I don't know how to answer that yes or no. Everybody seems to have a different thought about what Communists are and Communism is.

MR. BASSETT: Let me ask you this. Do you regard a Communist as a person who is necessarily unworthy of belief?

MR. MENTON: Not necessarily.

THE COURT: Just a minute. I have stated this trial is not against the defendants merely because they are Communists. Is it your thought in that question that because a man may believe in a theory of some form of Communism or be opposed to it, that that disqualifies him as a witness in this case? The American public does read a great deal about things,

C/b23

although some of the prospective jurors in this case seem to me to have indicated that they are less concerned about such matters than possibly might have been otherwise thought.

Gentlemen, I imagine it would be difficult to get a jury here who had never heard or read anything about Marxism, Leninism or Stalinism in general. The question is whether they could be impartial jurors in this case, weighing the law and evidence as they find it without any prejudice or partiality. That is the test.

MR. BASSETT: The question I asked just before that was whether or not he would believe a Communist under oath. I am afraid some of those very articles to which Your Honor refers have indicated that he might not know just about these.

THE COURT: How could anybody be able to say as a juror whether he would or would not believe a Communist under oath. The jury has to be the judge of the credibility of witnesses and their credibility to that depends upon their particular appearance, the way they answer questions, the improbability of the statement they make in context of the case as a whole. I don't see how any conscientious intelligent person could answer a question of whether he does or would not believe a Communist on his oath in the trial of a particular case. You can ask whether or not he has such a prejudice against Communists in general and if it would amount to his

C/b24

refusal arbitrarily to believe a witness because he was a Communist. You can ask that.

MR. BASSETT: That was the intent of the question. Thank you. You have heard the last question that was propounded by His Honor. What is your answer?

MR. MENTON: My answer is that, as I understand the question and Your Honor's answer to it, I feel I can give impartial verdict. I haven't any prejudice one way or another.

THE COURT: Very well.

MR. BASSETT: No further questions.

THE COURT: The next juror.

THE CLERK: Edward T. Blake, Sr.

THE COURT: Mr. Blake, please state your age, occupation and education.

MR. BLAKE: I am 61 years of age. I am employed by the Burt Machine Company, machinists and labelling and casing machinery, as a machinist and I have one year of high school.

THE COURT: Have you heard the questions that have been asked other prospective jurors in this case?

MR. BLAKE: Yes, sir.

THE COURT: And those asked of individuals as well as a group?

MR. BLAKE: I have.

THE COURT: Do you know of any knowledge or circumstance that would tend to make you a partial as

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distinct from an impartial juror in this case? Giving a verdict based on the law and evidence only?

MR. BLAKE: I don't think so.

THE COURT: By that, you mean you can?

MR. BLAKE: Give a fair an impartial verdict.

THE COURT: You can be a fair and impartial juror?

MR. BLAKE: Yes.

THE COURT: Have you any acquaintance with literature or reading newspapers or periodicals that would tend to make you a biased juror in favor of one side or against the other?

MR. BLAKE: No, sir.

THE COURT: You think not?

MR. BLAKE: No.

THE COURT: Any other questions?

MR. BASSETT: Are you a married man?

MR. BLAKE: Yes.

MR. BASSETT: Is your wife employed?

MR. BLAKE: No, sir.

MR. BASSETT: Are you a native of this state?

MR. BLAKE: Born in Baltimore.

THE COURT: You say you are a machinists employed by the Burt Machinery Company?

MR. BLAKE: Yes.

THE COURT: What do you do actually?

MR. BLAKE: I am at present in the tool room, grinding

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with machine cutters.

MR. BASSETT: Is there a union in the Burt Machine Company?

MR. BLAKE: No, it is an open shop.

MR. BASSETT: Have you or any member of your immediate family or any of your close friends ever had anything at all to do with the enactment, administration or enforcement of any of the following Federal and State laws: First, the Smith Act?

MR. BLAKE: No.

MR. BASSETT: The Internal Security Act of 1950, popularly known as the McCarron Act?

MR. BLAKE: No.

MR. BASSETT: The Subversive Activity Act of 1949, popularly known as the Ober Law?

MR. BLAKE: No.

MR. BASSETT: Have you at any time made any contribution to or been associated in any way with an organization which had for its primary or one of its primary purposes opposition to the doctrines of the Communist Party within the confines of the Continental United States?

MR. BLAKE: No.

MR. BASSETT: No further questions.

MR. FLYNN: No questions.

THE COURT: Thank you very much, sir. You may step

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down.

THE CLERK: Mrs. Dorothy Goudy.

THE COURT: Madam, will you please state your approximate age and occupation?

MRS. GOUDY: I am 40, and a housewife.

THE COURT: Where do you live?

MRS. GOUDY: Severna Park, Maryland.

THE COURT: Your husband is employed in what activity?

MRS. GOUDY: He is an attorney.

THE COURT: What is his name?

MRS. GOUDY: H. Chester Goudy.

THE COURT: Where did you say you live?

MRS. GOUDY: Severna Park, Maryland.

THE COURT: Is this your first experience as a juror?

MRS. GOUDY: Yes, it is.

THE COURT: Have you children?

MRS. GOUDY: Two.

THE COURT: Are they old or young?

MRS. GOUDY: My boy is 17 and the little girl is 12.

THE COURT: Would it inconvenience you particularly as a housewife and mother of a 12-year old child to be engaged for a week or so in the trial of this case?

MRS. BOUDY: For every day, it would.

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THE COURT: Of course, a lady is not disqualified as a juror for that purpose but I am thinking of her own personal convenience. I won't excuse her unless counsel agree.

MR. BASSETT: I notice the lady lives at Saverna, and I would be very happy to excuse the lady if she could be excused and it would save time examining her. We are satisfied to excuse her.

THE COURT: I just spontaneously thought of that. If everybody agrees that she should be excused, all right.

MR. FLYNN: The Government will agree.

THE COURT: Very well. You are excused. You would prefer to be excused?

MRS. GOUDY: Yes, sir, everyday would be quite inconvenient.

THE COURT: I understand.

THE CLERK: John C. Sause.

THE COURT: Mr. Sause, will you state your age and occupation?

MR. SAUSE: I am 63, a filling station owner and operator. My residence is 2243 Lake Avenue and my business is 3101 Pulaski Highway.

THE COURT: How long have you had your filling station there on Lake Avenue?

MR. SAUSE: On Pulaski Highway, 31 years.

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THE COURT: Did you say something about Lake Avenue?

MR. SAUSE: 2243 Lake Avenue is my residence.

THE COURT: What is your education?

MR. SAUSE: 6th grade.

THE COURT: You are in good health?

MR. SAUSE: Yes, sir.

THE COURT: You have heard the various questions asked prospective jurors. Have you any thought in mind that you would not be an impartial juror in this case governed by the law and evidence?

MR. SAUSE: No, sir.

THE COURT: Have you any such thought?

MR. SAUSE: No, sir.

THE COURT: Counsel may proceed.

MR. BASSETT: Are you married?

MR. SAUSE: Yes.

MR. BASSETT: Is your wife employed?

MR. SAUSE: No, sir.

MR. BASSETT: Do you know any person or former member, investigator or person on the staff of any legislative or other committee which is reported to be investigating or about to investigate alleged Communist activities?

MR. SAUSE: No, sir.

MR. BASSETT: Have you read any reports of the activities of former investigators for any investigative branch



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of the Government such as the FBI?

MR. SAUSE: No, sir.

MR. BASSETT: Directing your attention specifically to the Sun paper, have you read the Philbrick articles in that paper?

MR. SAUSE: I haven't.

MR. BASSETT: Have you or any member of your immediate family or any of your close friends had anything to do with the enactment, administration or enforcement of any of the following Federal or State laws --

MR. SAUSE: No, sir.

MR. BASSETT: You don't know which ones I am going to ask about. All right. Have you formed an opinion about the ideas or theories of Marx, Lenin or Stalin?

MR. SAUSE: No, sir.

MR. BASSETT: Have you at any time been connected with or made contributions to or been associated with any organization that had for one of its primary purposes opposition to the doctrines of the Communist Party within the continental United States?

MR. SAUSE: No, sir.

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MR. BASSETT: Have you in your business had any disputes with any of your employees as to rates of compensation, rates of pay or, wages or hours?

MR. SAUSE: No, sir.

MR. BASSETT: Do you employ people at the Filling Station?

MR. SAUSE: Yes, sir.

MR. BASSETT: I have no further questions, Your Honor.

THE COURT: Step down. Thank you, sir.

Who is next?

MR. BASSETT: Mrs. Patricia Roberts.

(A prospective juror sat in the witness chair.)

THE COURT: Mrs. Roberts, what is your husband's occupation?

MRS. ROBERTS: Deceased.

THE COURT: Would you speak a little louder?

MRS. ROBERTS: He is deceased.

THE CLERK: He is deceased.

THE COURT: You are a widow?

MRS. ROBERTS: Yes.

THE COURT: What was your husband's occupation?

MRS. ROBERTS: Jeweler.

THE COURT: Jeweler?

MRS. ROBERTS: Yes.

THE COURT: Where was his place of business?

MRS. ROBERTS: Roberts Jewelers.

THE COURT: Roberts Jewelers?

MRS. ROBERTS: Yes, 402 North Howard.

THE COURT: Have you served as a juror in our Courts before?

MRS. ROBERTS: The first time, last week.

THE COURT: This is the first time?

MRS. ROBERTS: Last week. Last week was the first time.

THE COURT: Last week in this Court?

MRS. ROBERTS: Yes.

THE COURT: Now, what education did you have before you were married?

MRS. ROBERTS: One year college.

THE COURT: What college was it?

MRS. ROBERTS: Goucher.

THE COURT: Goucher?

MRS. ROBERTS: Yes.

THE COURT: Now, you understand generally the questions that were asked of the various jurors with respect to giving a verdict based on the law and the evidence only.

MRS. ROBERTS: Yes.

THE COURT: Without prejudice or partiality for any individual?

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MRS. ROBERTS: Yes.

THE COURT: Do you think you could be an impartial juror in this case?

MRS. ROBERTS: Yes.

THE COURT: You do feel so?

MRS. ROBERTS: Yes.

THE COURT: Did you while you were at college or at any other time particularly read or make a study of the philosophy of either capitalism or socialism or communism or socialism or Marxism?

MRS. ROBERTS: I have read but I have not studied them.

THE COURT: You have not studied them?

MRS. ROBERTS: No.

THE COURT: Very well. Any questions to be asked?

MR. BASSETT: Have you formed an opinion about the writings that you have read?

MRS. ROBERTS: No.

MR. BASSETT: Have you read any newspaper accounts of the activities of any agent of the Government in connection with anti-communist or anti-subversive activities such as the Philbrick articles?

MRS. ROBERTS: No, sir.

MR. BASSETT: You have not read any?

MRS. ROBERTS: No, sir.

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THE COURT: I don't think you were asked whether you had any young children?

MRS. ROBERTS: Yes, I have a daughter.

THE COURT: You have a daughter?

MRS. ROBERTS: Yes.

THE COURT: What age?

MRS. ROBERTS: Twelve.

THE COURT: Twelve?

MRS. ROBERTS: Yes.

THE COURT: Would there be any inconvenience to you to serve as a juror from 10 until 4 for quite a number of days in this case?

MRS. ROBERTS: No, sir, it would not.

THE COURT: It would not inconvenience you?

MRS. ROBERTS: No.

THE COURT: You have someone else to look after your daughter?

MRS. ROBERTS: Yes.

MR. BASSETT: Do you still have a business connection with the firm of Roberts Jewelers?

MRS. ROBERTS: No, sir, I haven't.

MR. BASSETT: Do you know any present or former member, investigator, or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged communist activities?

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MRS. ROBERTS: No, sir.

MR. BASSETT: Have you read the article by Mrs. Markward in the Red Book Magazine recently?

MRS. ROBERTS: No.

THE COURT: What? What Red Book?

MR. BASSETT: The Red Book Magazine. Your Honor, it is, I believe, a periodical occasionally read by housewives.

THE COURT: What? By whom?

MR. BASSETT: By housewives.

MR. BUCHMAN: Not only housewives. It is in general circulation.

MR. BASSETT: It is in general circulation but it is most probably read in the home, Your Honor.

THE COURT: Why is it called the Red Book?

MR. BASSETT: I can't say, sir. It has no political significance.

THE COURT: Very well.

MR. BASSETT: We have no further questions, Your Honor.

THE COURT: Very well. Thank you very much. Step down for the present.

Who is your next?

THE CLERK: William H. Rohde.

THE COURT: State your name, age, residence, and

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occupation.

MR. ROHDE: William H. Rohde.

THE COURT: Talk louder.

THE CLERK: Speak louder.

MR. ROHDE: William H. Rohde, 311 Baltimore Avenue,  
Annapolis Boulevard, Glen Burnie, Maryland.

THE COURT: What is your occupation?

MR. ROHDE: Carpenter.

THE COURT: Carpenter?

MR. ROHDE: Yes.

THE COURT: What education have you had, sir?

MR. ROHDE: Sixth Grade.

THE COURT: The Anne Arundel County Schools?

MR. ROHDE: Yes.

THE COURT: Have you always lived in Glen Burnie?

MR. ROHDE: No, sir, I was born in Baltimore City.

THE COURT: Have you lived in Glen Burnie ever  
since?

MR. ROHDE: I have lived in Glen Burnie forty years.

THE COURT: Forty years?

MR. ROHDE: Yes.

THE COURT: Well, now, you have heard these various  
questions which were asked regarding your acquaintance with  
written literature on communism and so on or reading articles  
with regard to the subject of communism.

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Do you have any acquaintance with the people in this case or have you formed or expressed any opinion or judgment in your mind which might disqualify you as an impartial juror?

MR. ROHDE: I haven't.

THE COURT: You have not?

MR. ROHDE: No, sir.

THE COURT: Do you understand the duty of a juror to give a verdict according to your best conscience and based only on the law and the evidence?

MR. ROHDE: Yes.

THE COURT: Any questions counsel wish to ask?

MR. BASSETT: Are you a self employed carpenter or not?

MR. ROHDE: No, sir.

MR. BASSETT: Who is your employer?

MR. ROHDE: At the present time I am working for Herbert R. Linthicum.

MR. BASSETT: Herbert R. Linthicum. How many other employees are there on the job?

MR. ROHDE: There are only two laborers, and two carpenters, four of us.

MR. BASSETT: How long have you been working for Mr. Linthicum?

MR. ROHDE: Four years.



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MR. BASSETT: Are you married?

MR. ROHDE: Yes, sir.

MR. BASSETT: Is your wife employed?

MR. ROHDE: No, sir.

MR. BASSETT: Have you ever been involved in -- not involved -- but a member or contributor to any organization which had for its principal or one of its objects opposition to Communism within the continental limits of the United States?

MR. ROHDE: No, sir.

MR. BASSETT: Have you or any member of your family or any of your friends given information by testimony or otherwise to any committee or any other governmental agency reported to be investigating alleged Communist activities?

MR. ROHDE: No, sir.

MR. BASSETT: Have you read the articles by Mr. Philbrick which were in the Baltimore Sun recently?

MR. ROHDE: The only thing I read, I just glanced over it the other day.

MR. BASSETT: You don't remember the contents of it?

MR. ROHDE: I didn't follow it through. I didn't believe it. I didn't follow it through.

MR. BASSETT: No other questions.

THE COURT: All right. Step down.

Who is next?

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THE CLERK: Pierce F. Kimmett, come forward,  
Colonel.

THE COURT: State your name, residence and occupa-  
tion.

THE CLERK: State your full name, residence and  
occupation.

MR. KIMMETT: Pierce F. Kimmett, age 58, retired,  
United States Army, and I reside at 205 East Thirtieth Street.

THE COURT: You say you are a retired Army Officer?

MR. KIMMETT: Yes, sir, Your Honor.

THE COURT: Retired for what? Length of service  
or disability?

MR. KIMMETT: Pretty nearly for length of service,  
but for disability.

THE COURT: Have you lived in Maryland?

MR. KIMMETT: I have maintained a home here since  
1929, sir.

THE COURT: Do you have a family?

MR. KIMMETT: I have, sir.

THE COURT: They live here?

MR. KIMMETT: Yes, they are living here.

THE COURT: What was your position in the Army when  
you retired?

MR. KIMMETT: I beg your pardon, sir.

THE COURT: What was your position in the Army when

you retired? What was your rank when you left?

MR. KIMMETT: I retired as a Colonel, sir.

THE COURT: In what branch of the service?

MR. KIMMETT: The Adjutant General's department.

THE COURT: Now, have you been in Court this morning?

MR. KIMMETT: I have, sir.

THE COURT: Have you heard these various questions that were asked in this case?

MR. KIMMETT: Yes.

THE COURT: Do you have any knowledge of any situation or fact regarding the whole matter which would make you other than an impartial juror?

MR. KIMMETT: No, sir.

THE COURT: Very well, sir. Any other questions?

MR. BASSETT: You stated you are not a native of this State; is that correct?

MR. KIMMETT: That is correct.

MR. BASSETT: Where did you come from? Where did you come from when you came to Maryland?

MR. KIMMETT: Pennsylvania.

MR. BASSETT: Were you still connected with the Army when you were in Pennsylvania, sir?

MR. KIMMETT: No, I entered the Army in 1917 from Pennsylvania, and I have maintained a home here.

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MR. BASSETT: Did I understand you to say you had been stationed in Maryland during your entire Army career?

MR. KIMMETT: No.

MR. BASSETT: You maintained a residence here?

MR. KIMMETT: I maintained a residence here since 1929, but I was on duty in and around Baltimore and Washington for a great number of years prior to 1929.

MR. BASSETT: You have had some service in Washington, D. C., you say?

MR. KIMMETT: That is correct.

MR. BASSETT: Were you in the Pentagon when you were there?

MR. KIMMETT: No. There was no Pentagon when I was there.

MR. BASSETT: I see.

Were you ever stationed outside the continental limits of the United States?

MR. KIMMETT: I have been, yes.

MR. BASSETT: For how long?

MR. KIMMETT: I had two 2-year periods in Manila, Philippine Islands.

MR. BASSETT: Do you know any present or former member, investigator, or person on the staff of any legislative or other committee which is reported to have investigated or to be investigated alleged Communistic activities?

MR. KIMMETT: No, I don't.

MR. BASSETT: Have you or any member of your family or any of your friends given information, by testimony or otherwise, to any committee or any other governmental agency reported to be investigating alleged Communist activities?

MR. KIMMETT: No.

MR. BASSETT: Have you formed any opinion with respect to Communism or the writings as you understand them?

MR. KIMMETT: Am I on trial?

MR. BASSETT: Well --

THE COURT: Don't take the questions as too personal, but your question was not improper for your own understanding of the matter. The purpose here is simply to ascertain whether you have such feeling or acquaintance with the matter that you would be prejudiced, a prejudiced rather than an impartial juror.

MR. KIMMETT: Well, from my knowledge of Communism and these other isms, I have never studied them, I have never read any of these, any of these authors if you could call them authors.

MR. BASSETT: Well --

THE COURT: That might be regarded perhaps as a pessimistic literary opinion.

MR. BASSETT: If Your Honor please, on the basis of the general tenor of the answer we would suggest he be

challenged for cause.

THE COURT: For cause?

MR. BASSETT: That he be excused for cause.

THE COURT: Well, I don't know.

MR. BASSETT: On that basis.

THE COURT: Why do you think he should be excused?

MR. BASSETT: Well, the general tenor, the formulation of his responses, they seem to indicate that there was some bias because of the feeling he said.

THE COURT: I do not see that unless you refer to the last answer here.

MR. BASSETT: I note an exception.

THE COURT: What answer do you think indicates any disqualification?

MR. BASSETT: The last one, Your Honor, regarding the literary evaluation to which Your Honor adverted.

THE COURT: Well, that did not impress me as a disqualification. I think you had better explore it further.

MR. KIMMETT: Your Honor --

THE COURT: That did not impress me as a disqualification to show he had formed any opinion about it or made any statement about it, I thought it was purely an injection, or what you might call it with respect to the matter.

MR. BUCHMAN: He said if you could call them authors.

MR. KIMMETT: The question, I said authors, I was

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not sure whether that was a correct designation for men like Lenin or Trotsky, whether you call them authors. I don't know. I said author, but I am not sure whether that was a correct designation.

MR. BASSETT: The preliminary question was or the first question was whether he read them to which he replied that he had not read them, no, as I think the record indicates, and then he said he didn't know whether they were authors or not, and that would indicate that there was some judgment on his part without having read the book.

MR. FLYNN: He also referred to Trotsky.

MR. BUCHMAN: What significance does that have?

MR. FLYNN: He is pretty general in his reading.

THE COURT: I don't believe that the prospective juror is disqualified on the ground <sup>of partiality</sup> to give a verdict in this case based only upon the law and the evidence.

If there are any questions you wish to ask this juror, you may do so, Mr. Bassett.

MR. BASSETT: Based on such reading as you have done, have you formed any opinion as to the guilt or innocence of any of these defendants?

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MR. KIMMETT: No.

MR. BASSETT: I have no further questions .

THE COURT: Step down, sir. Thank you.

THE CLERK: Raymond E. Black.

Give the Court your name, age, address and occupation.

MR. BLACK: Raymond E. Black, 29, 206 South Washington Street. I am employed as a raw material inspector with Western Electric Company.

THE COURT: Now, Mr. Black, how long have you lived in Baltimore?

MR. BLACK: I have been in Baltimore all my life with the exception of a short while I served in the service during the last war.

THE COURT: Are you married?

MR. BLACK: I am single.

THE COURT: You have heard the questions generally which have been asked of the prospective jurors in this case?

MR. BLACK: I have, sir.

THE COURT: Do you belong to any organizations or have any knowledge of writings on socialism or Communism or Marxism, or have you any relations with anybody that has, or have you formed or expressed any opinion about the guilt or innocence of these defendants, or is there anything in your mind which would prevent you from being an impartial juror?



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MR. BLACK: I have read the theories of Marxism, but I have not formed any opinions.

THE COURT: Is there any reason in your mind at all why you could not be an impartial juror?

MR. BLACK: None whatsoever.

THE COURT: Very well. Are there any further questions?

MR. BASSETT: How long have you been employed at the Western Electric Company?

MR. BLACK: I was employed there in 1941, and my service continued on while I was in service, so approximately 11-1/2 years.

MR. BASSETT: Are you a member of a union?

MR. BLACK: I do belong to the union there.

THE COURT: What kind of a union?

MR. BLACK: It is a labor union, sir, the Point Breeze Employees Association. It is commonly known as -- It is an independent union in the company.

THE COURT: Are you an officer of it?

MR. BLACK: No, sir.

MR. BASSETT: Do you regularly attend meetings?

MR. BLACK: I have yet to attend a meeting. I joined just for the sake of joining and being a member.

MR. BASSETT: Do you now have any acquaintance with any present or former member or investigator or person on the

staff or any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MR. BLACK: No.

MR. BASSETT: Do you belong to any organization of which one of the principal purposes is the opposition to the Communist Party?

MR. BLACK: Would you qualify that as far as principle? Objection to principles? I do belong to the Catholic Church, Roman Catholic Church, but I can't feel as if I can answer that by saying "yes" because I don't believe it is their principal purpose.

MR. BASSETT: It certainly is not. Now, in connection with such opposition as you have been taught in connection with your religious activities, do you feel that you could --

MR. FLYNN: May it please the Court, I want to object to that question.

THE COURT: I did not catch the question.

MR. FLYNN: He said, "In connection with what you have been taught in connection with your religious activities or your principles." There is nothing here that this gentleman said he has been taught anything in connection with them.

THE COURT: Well, I think you had better

w/b4

rephrase the question, then, Mr. Bassett.

MR. BASSETT: Have you as a member of your church heard any leader, representative or member of the clergy express opposition or hostility to Communists or Communism?

MR. BLACK: No, I haven't.

MR. BASSETT: You haven't?

THE COURT: I did not hear his answer, whether it is "yes" or "no."

MR. BLACK: I have not.

THE COURT: You have not.

MR. BASSETT: Have you read the articles recently appearing in the Sun newspaper by Mr. Philbrick?

MR. BLACK: I have not.

MR. BASSETT: No further questions, Your Honor.

MR. FLYNN: You haven't read the Red Book, either, have you?

MR. BLACK: No, sir, I have not.

THE COURT: Step down. Next juror.

MR. BUTSCHKY: Mrs. Charlotte E. Naddeo.

Mrs. Naddeo, give the Court your name, address, and occupation, please.

MRS. MADDEO: Mrs. Charlotte Naddeo, 2427 East Fayette Street, and I am a housewife.

MR. BUTSCHKY: You are what?

MRS. MADDEO: Housewife, home maker.

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THE COURT: What did she say, Mr. Butschky?

MR. BUTSCHKY: She is a housewife.

THE COURT: Is your husband living?

MRS. NADDEO: No.

THE COURT: Is your husband dead? What was his occupation?

MRS. NADDEO: He was a jeweler.

THE COURT: A jeweler?

MRS. NADDEO: Yes.

THE COURT: What was the name of his business?

MRS. NADDEO: Naddeo Brothers in Highlandtown.

THE COURT: Highlandtown. What education have you had, Madam?

MRS. NADDEO: High school.

THE COURT: Which one of the high schools?

MRS. NADDEO: Patterson Park.

THE COURT: Patterson Park High School. Have you always lived over there in East Baltimore?

MRS. NADDEO: Yes.

THE COURT: Now, you heard the various questions which have been asked of jurors here this morning. Can you tell us anything about your relationships to this general subject?

MRS. NADDEO: Your Honor, before I give you any opinion of that, I have two small children, and I don't think

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I will be able to come more than maybe two days a week.

THE COURT: Well, may she be excused?

MR. BASSETT: Certainly, Your Honor.

MR. FLYNN: Certainly.

THE COURT: Very well, Madam, you may be excused from this case.

Who is the next juror, Mr. Butschky?

THE CLERK: Mrs. Edith H. Bryant.

MRS. BRYANT: Yes.

THE CLERK: Mrs. Bryant, give the Court your name, address and occupation, please.

MRS. BRYANT: 2027 McCulloh Street, Housewife and substitute teaching, Baltimore City.

THE COURT: In Baltimore city schools?

MRS. BRYANT: Yes.

THE COURT: How long have you been employed off and on in substitute teaching?

MRS. BRYANT: Two years.

THE COURT: What subjects do you teach?

MRS. BRYANT: History, civics, science.

THE COURT: Is your husband living?

MRS. BRYANT: Yes.

THE COURT: What is his occupation?

MRS. BRYANT: Minister.

THE COURT: Minister? Where is his church?

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MRS. BRYANT: Beth Methodist Episcopal Church.

THE COURT: Have you any small children that would make it inconvenient for you to serve as a juror from day to day for a week or more?

MRS. BRYANT: I have small children, but I have made provision for that, Judge.

THE COURT: You have not served as a juror before?

MRS. BRYANT: This last week.

THE COURT: Just this last week?

Now, you have heard the questions that have been asked with regard to this matter. Is there any thought in your mind as to your being a partial or impartial juror? Could you be an impartial juror, do you feel?

MRS. BRYANT: I am sure I could.

THE COURT: You can? As a teacher have you had any occasion to make a study of different kinds of forms of government or economics?

MRS. BRYANT: Just for so much information, but not enough to form an opinion that would make me biased.

THE COURT: Are there any other questions?

MR. WRIGHT: Yes, Your Honor, just a couple.

Mrs. Bryant, I take it as a substitute teacher you are required to sign a loyalty oath.

MRS. BRYANT: Yes.

THE COURT: Please ask your questions louder, Mr.

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Wright. You see, not only I want to hear, but the witnesses must hear and other people in the courtroom perhaps would like to hear so as to save duplication of the questions to individuals.

What is this question?

MR. WRIGHT: As a result of that --

MR. FLYNN: Wait a minute, Your Honor, the question was: As a teacher weren't you required to sign a loyalty oath.

THE COURT: Well, she answered that "yes", I suppose.

MRS. BRYANT: Yes, I did.

MR. WRIGHT: Now, as a result of that, Mrs. Bryant, would your verdict be influenced in any way except based upon the evidence and the law in this case?

MRS. BRYANT: None at all.

MR. WRIGHT: Do you know any present or former member or investigator or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MRS. BRYANT: No, I do not.

MR. WRIGHT: Now, I believe in answer to the Court's question you said you studied generally the subjects of economics and history. Now, was that in any way related to Marxism, Leninism, or Stalinism?

MRS. BRYANT: No.

W/b9

MR. WRIGHT: Have you done any studying on that subject at all?

MRS. BRYANT: Just for reading, but not very much.

MR. WRIGHT: As a basis of that reading have you formed any opinion about it?

MRS. BRYANT: No.

MR. WRIGHT: Have you had occasion to read any newspaper reports or listen to any radio broadcasts concerning this case?

MRS. BRYANT: Yes, I have.

MR. WRIGHT: On the basis of that have you formed any opinion as to the guilt or innocence of these defendants?

MRS. BRYANT: No, I haven't.

MR. WRIGHT: Is there any reason that suggests itself to you as to why you could not sit in this case in the event you are so selected and render a fair and impartial verdict based solely upon the law and the evidence?

MRS. BRYANT: No reason at all.

MR. WRIGHT: No other questions.

THE COURT: Very well. Thank you, Step down.

Next.

THE CLERK: Winston R. Banbury.

THE COURT: What is your age, sir?

MR. BANBURY: 44.

THE COURT: Where do you live?

MR. BANBURY: 2635 Maisel Street.



W/b10

THE COURT: Your occupation?

MR. BANBURY: Cable splicer, C&P Telephone Company.

THE COURT: How long have you been employed there?

MR. BANBURY: Approximately 18 years.

THE COURT: Do you belong to any of the unions?

MR. BANBURY: Yes, sir.

THE COURT: Which one?

MR. BANBURY: CWA-CIO.

THE COURT: Now, you have heard the general questions which were asked here of the prospective jurors. You understand, of course, the object to be to give an impartial verdict based on the law and the evidence in the case.

Have you any relations in your work or associations that would tend to disqualify you in your own mind from being an impartial juror?

MR. BANBURY: No, sir.

THE COURT: The juror is with you. Do you want to ask him any questions?

MR. WRIGHT: Yes, Your Honor.

Mr. Banbury, did you say you were married?

MR. BANBURY: Yes, sir.

MR. WRIGHT: Is your wife employed?

MR. BANBURY: No, sir.

MR. WRIGHT: How long did you say you lived here in Baltimore?

C-3

W/b11

MR. BANBURY: Since 1932.

MR. WRIGHT: Did you come from somewhere else here?

MR. BANBURY: Came from Brooklyn, New York.

MR. WRIGHT: Are you now or have you ever been employed by the Federal Government or by the State of Maryland?

MR. BANBURY: No.

MR. WRIGHT: Do you know any present or former members of the investigative staff of any committee purportedly investigating any alleged Communist activities?

MR. BANBURY: No.

MR. WRIGHT: Have you read anything in the newspapers or heard anything on the radio concerning this case?

MR. BANBURY: Just what was in the Sun paper this morning.

MR. WRIGHT: On the basis of that reading have you formed any opinion as to the guilt or innocence of the defendants now on trial?

MR. BANBURY: No, sir.

THE COURT: Now, Mr. Wright, just a minute. He says he has read something that appeared in the Sun paper this morning. Now you are asking him whether on the basis of that he formed or expressed any opinion of it.

Did you read the article in the Sun?

MR. BANBURY: Well -

MR. WRIGHT: I haven't seen the article, Your Honor.

W/b12

I would not know whether he had formed an opinion based on the article or not. I have no idea what it is.

THE COURT: I happened to read it. It happened to be on the front page, and the headline was right before my eyes, but I do not think it was anything more than a factual statement that the case was to be tried today.

Did you get anything else out of it?

MR. BANBURY: That is all I got out of it, sir.

MR. WRIGHT: Have you read any articles printed here in this area by Mr. Philbrick?

MR. BANBURY: No, sir.

MR. WRIGHT: Have you read any articles in the Saturday Evening Post by Whittaker Chambers?

MR. BANBURY: No, sir.

MR. WRIGHT: Have you done any reading about the theories or the ideas of Socialism, Communism or the like?

MR. BANBURY: No, sir.

MR. WRIGHT: Does any reason suggest itself to you as to why you cannot sit as a fair and impartial juror in this case and render a verdict based solely upon the evidence and the law?

MR. BANBURY: No, sir.

MR. WRIGHT: No other questions.

THE COURT: Thank you. Step down.

Next.

W/b13

THE CLERK: Carter O. Hoffman.

Your name, age, address and occupation, Mr. Hoffman.

MR. HOFFMAN: Carter O. Hoffman, 24, Roland Park, 633 Colorado Avenue, Investment Bank.

THE COURT: What did you say about 24?

MR. HOFFMAN: 24 years old.

THE COURT: 24 years old. Gentlemen, I think the Maryland law prescribes 25 as the eligible age. This gentleman is so nearly that, unless counsel wish to make the point, I would not be disposed to make it.

MR. FLYNN: We will not make any point of it, sir.

MR. BASSETT: We would prefer to make a point, Your Honor.

THE COURT: You say you would prefer to?

MR. BASSETT: Yes, Your Honor.

THE COURT: Well, then, I think I have no option about it. The Federal law is that the qualifications, according to the Maryland law are to be controlling. Now, the decisions, however, are also to the effect that if a person, say, 24 years of age is accepted as a juror it is no basis for a disqualification thereafter, but where the point is made I have nothing to do except to sustain you, of course. That is the policy of the Federal Government based on the state law. So we will have to excuse you, sir.

W/bl4

Mr. Janne, you had better notice that in other cases.

THE CLERK: I have, Your Honor, and I now look at the Judicial Code, Title 28, 1950 edition, Section 1861, which reads, "Any citizen of the United States who has attained the age of 21 years and resides within the judicial authority--"

THE COURT: Does it not go on to say something about the qualifications of the State?

THE CLERK: There is no reference in that section, sir. The exemptions follow.

THE COURT: Let me see. Well, it does start, the first sentence in Section 1861, "Any citizen of the United States who has attained the age of 21 years and resides in the judicial district is competent to serve as a grand or petit juror unless," 1, 2, 3 and 4. 4: "He is incompetent to serve as a grand or petit juror by the law of the state in which the district is located."

Now, my understanding is that the Maryland Statute says 25, and I can remember more than 50 years ago in a criminal trial in the criminal court of Baltimore a very highly educated young man 24 years and nine months old, thinking that he should answer according to the life insurance examination, which was his nearest birthday, and having answered that some months before in connection with registration to vote, was accepted as a juror, and after the defendant in that

C-4

W/b15

particular case happened to be convicted on a charge nothing at all like the charge involved here, the Supreme Bench of Baltimore City granted a new trial because this particular highly educated juror was less than 25 years of age.

So I will have to excuse him.

Next, please, Mr. Janne.

THE CLERK: Mr. Adam Stanley.

Your full name, Mr. Stanley, age, address and occupation.

MR. STANLEY: Adam Stanley, Gang Leader. I work at Davis Chemical Company, Curtis Bay.

THE COURT: How old are you?

MR. STANLEY: 49.

THE COURT: Married?

MR. STANLEY: Yes, sir.

THE COURT: Any children?

MR. STANLEY: No, sir.

THE COURT: How long have you been employed by the Davis Chemical Company?

MR. STANLEY: 32 years.

THE COURT: What do they make?

MR. STANLEY: They make acid and fertilize.

THE COURT: Did you mean Davidson or Davis?

MR. STANLEY: Davis Chemical Company.

THE COURT: Yes. Do you belong to a union there?

W/b16

MR. STANLEY: He has a union there, yes.

THE COURT: Do you belong to it?

MR. STANLEY: Yes, sir.

THE COURT: What kind of a union is it? What is it called?

MR. STANLEY: The American Federation of Labor.

THE COURT: I see. Now, you have heard the questions which have been asked here about the case. Does anything suggest itself to your mind that would tend to make you a biased rather than an impartial juror?

MR. STANLEY: Well, no. Of course, this is my first, I mean, of serving. While I have the fourth grade education, that is as high as I went in school, other than that I don't know anything else. Of course, I was understood it would be a few days. Of course, it would be a little bit inconvenient to me, as I understand it would be one day a week serving, but I would have to make some arrangements first.

THE COURT: If you were here the first day you came, you may remember that I said ordinarily the length of service of the petit juror was only one day a week, but that there might come a time, there might be an occasional case, in which a juror would have to serve longer.

MR. STANLEY: Yes. Well, if it would be any longer I would have to make arrangements with the company.

THE COURT: You mean to say it would inconvenience

W/bl7

your employer possibly if you had to serve for a week or two?

MR. STANLEY: Yes. I told him it would be one day I would have to be off a week. That is all I told him.

THE COURT: Well, I do not think I can excuse you on that ground alone. What is the nature of your work? What do you do?

MR. STANLEY: Well, I carries a gang of men, you know, labor, I am boss over so many men in a gang.

THE COURT: I see. Who is your immediate boss?

MR. STANLEY: Jacob is the general foreman of the yard, while Mr. McDonald is the superintendent of the plant, Mr. McDonald.

THE COURT: You understand that the duty of a juror is to give an impartial verdict based on the law and in the evidence, unaffected by what he might otherwise have thought before having become sworn as a juror?

MR. STANLEY: Yes, that is right.

THE COURT: Are there any other questions you want to ask him?

MR. WRIGHT: Just a few, Your Honor.

Mr. Stanley, are you married?

MR. STANLEY: Yes, sir.

MR. WRIGHT: Do you have a family?

MR. STANLEY: Just my wife. I don't have any children.



W/b18

MR. WRIGHT: Is she employed?

MR. STANLEY: How is that?

MR. WRIGHT: Is she employed?

MR. STANLEY: No.

MR. WRIGHT: Now, do you know anyone who worked as an investigator for any committee investigating alleged Communist activities?

MR. STANLEY: No, I don't.

MR. WRIGHT: Have you done any reading on the subject of Communism or Socialism?

MR. STANLEY: No, I haven't.

MR. WRIGHT: Have you formed any opinion about it on any information that may have come to you?

MR. STANLEY: No.

MR. WRIGHT: Does any reason suggest itself to you as to why you could not sit as a fair and impartial juror and decide this case solely upon the evidence as you shall hear it given here in Court and the law in the case as given to you by the Judge?

MR. STANLEY: Well, I will do it to the best of my knowledge.

MR. WRIGHT: No other questions, may it please Your Honor.

THE COURT: Thank you very much. Step down.

THE CLERK: Miss Sarah M. Stover.

W/b19

Your full name, Miss Stover?

MISS STOVER: Sarah Miriam Stover, spinster.

MR. JANNE: Spinster. Your age?

MISS STOVER: 54.

THE CLERK: Occupation?

MISS STOVER: Assistant senior chemist acting as chemical secretary for the chemical director, Crown Cork and Seal Company.

THE CLERK: And your residence?

MISS STOVER: 1538 Northgate Road.

THE COURT: I did not catch your activities, or occupation.

MISS STOVER: Pardon me. My actual title is assistant senior chemist, but I act as the chemical secretary to the chemical director of the Crown Cork and Seal Company.

THE COURT: Crown Cork and Seal Company. How long have you been employed there?

MISS STOVER: 32 years.

THE COURT: 32 years. Now, have you heard the various questions which have been asked of the prospective jurors in this case?

MISS STOVER: Yes.

THE COURT: And do you understand that your duties as a juror if selected would be to give an impartial verdict based only on the law and evidence?

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W/b20

MISS STOVER: Yes.

THE COURT: And do you feel that you can give such a verdict, or is there anything that suggests itself to you, based on your acquaintance with any of the defendants or the prosecution officers or any knowledge that you have or might think you have which would disqualify you as an impartial juror?

MISS STOVER: No.

THE COURT: Do you think you can be impartial?

Very well.

Any other questions?

MR. WRIGHT: A couple, if Your Honor please.

Miss Stover, would you tell us what your educational background has been, please?

MISS STOVER: High school and additional education leading to a Bachelor of Arts degree.

MR. WRIGHT: Have you done any reading on the subject of Communism or Socialism?

MISS STOVER: Well, in connection with my education we studied a wee bit on the various subjects, Karl Marx, which I never did understand, and I have read a few of the Philbrick articles, the magazine articles, but actually the experiences of other people do not influence me as to anyone else's --

MR. WRIGHT: By that, Miss Stover, you mean that

W/b21

you have not been influenced so that you would not be able to render a fair and impartial verdict according to the law and evidence in this case?

MISS STOVER: That is true.

MR. WRIGHT: Are you acquainted with any investigator on any of the so-called investigative committees into any of the alleged subversive activities?

MISS STOVER: No.

MR. WRIGHT: Does any reason suggest itself to you, Miss Stover, as to why under all the circumstances involved that you could not render a fair and impartial verdict against only these defendants, irrespective of any other information about the subject matter that may be discussed here?

MISS STOVER: I don't know whether I quite understand that question as a whole.

MR. WRIGHT: Well, assuming that the subject of Communism or Socialism is discussed as a part of this case, the fact that you have done some other reading or heard some other comments or references either on the radio or in the press, that would not in any way prejudice you in terms of rendering a verdict solely on the evidence in this case against these defendants?

MISS STOVER: No, it would not.

MR. WRIGHT: I think that is all, if it please Your Honor.

W/b22

THE COURT: Very well. Step down. Thank you, Madam.

THE CLERK: Walter H. Lafevre.

Your full name, Mr. Lafevre, age, occupation and residence?

MR. LAFEVRE: Walter H. Lafevre, 600 East Fourth Avenue.

THE COURT: What is your occupation, sir?

MR. LAFEVRE: I am a Marine Machinist Supervisor, Bethlehem Steel.

THE COURT: How long have you been employed there?

MR. LAFEVRE: 16 years.

THE COURT: And how long have you lived in Baltimore?

MR. LAFEVRE: 48 years.

THE COURT: Were you educated here in Baltimore?

MR. LAFEVRE: Yes, sir, Polytechnic Institute and Maryland Institute.

THE COURT: Now, have you heard the various questions that have been asked about this case?

MR. LAFEVRE: Yes, sir.

THE COURT: Does anything suggest itself to your mind, based on your acquaintance or lack of it with the case, or with defendants or with the prosecutors, which would make it difficult for you to be an impartial juror in the case?

MR. LAFEVRE: No, sir.

THE COURT: You think you can act impartially?

W/b23

MR. LAFEVRE: Yes.

THE COURT: Are there any other questions?

MR. WRIGHT: Yes, may it please the Court.

Mr. Lafevre, are you a union member?

MR. LAFEVRE: No, sir.

MR. WRIGHT: Is there one at your plant?

MR. LAFEVRE: Yes.

MR. WRIGHT: What is the name of that one, sir?

MR. LAFEVRE: CIO.

MR. WRIGHT: Is your wife employed, sir?

MR. LAFEVRE: No, sir.

MR. WRIGHT: Now, do you know any members of any investigating committee allegedly investigating so-called subversive activities?

MR. LAFEVRE: No, sir.

MR. WRIGHT: Have you heard anything over the radio or have you read anything in the press about this case?

MR. LAFEVRE: No, I haven't.

MR. WRIGHT: Have you heard or read any explanations or accounts of Marxism, Leninism, or Stalinism?

MR. LAFEVRE: No, sir.

MR. WRIGHT: Do you belong to any organization the leadership of which has expressed opposition to Communists or Communism?

MR. LAFEVRE: No, sir.

W/b24

MR. WRIGHT: Now, does any reason whatever suggest itself to you as to why, if you are selected as a juror in this case, you could not render a fair and impartial verdict based solely on the law and the evidence?

MR. LAPEVRE: None at all.

MR. WRIGHT: No other questions.

MR. FLYNN: No questions.

THE COURT: Step down.

Cv flwa  
12:35

Cavey fls  
Walker  
12:40p

THE CLERK: Anna A. Crow. State your name, age, occupation and address.

MRS. CROW: Anna A. Crow, age 56, housewife, 1015 North Bentalon Street. I have lived there 27 years.

THE COURT: Is your husband living?

MRS. CROW: Yes.

THE COURT: What is his occupation?

MRS. CROW: Rate Clerk in the Freight Traffic Department for the B. & O.

THE COURT: Are your children still young?

MRS. CROW: No, they are quite old, 26 and 27.

THE COURT: Would it inconvenience you personally to have to sit on the jury four or five days a week for a week or two?

MRS. CROW: No, it would not.

THE COURT: Now, you have heard the questions asked here about this case, the object being to find at least twelve impartial jurors who are willing to conscientiously give a verdict based only on the law and evidence and do you believe you can be such a juror?

MRS. CROW: Yes.

THE COURT: Nothing suggests itself to your mind why you would be biased or prejudiced either for or against either party?

MRS. CROW: I don't know of any.



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THE COURT: Any other questions?

MR. WRIGHT: Mrs. Crow, have you heard anything over the radio or have you read anything in the press concerning this case?

MRS. CROW: I haven't heard anything over the radio. I saw the headline in this morning's paper.

MR. WRIGHT: Is that the only information you have on the case?

MRS. CROW: Yes.

MR. WRIGHT: Do you belong to any organization the leadership of which has expressed opposition to Communism or Communists?

MRS. CROW: No, I don't.

MR. WRIGHT: Are you acquainted with any members of the investigating staff purportedly inquiring into alleged Communist activities?

MRS. CROW: No, I am not.

MR. WRIGHT: Have you done any reading on the subject matters of Marxism, Leninism or Stalinism?

MRS. CROW: I haven't.

MR. WRIGHT: Have you ever read anything by anybody else giving an opinion about it?

MRS. CROW: No.

MR. WRIGHT: Does anything at all suggest itself to you as to why you could not sit as a fair and impartial

Cavey 3

juror, if selected, and render a verdict based solely upon the law and evidence in this case?

MRS. CROW: No.

MR. WRIGHT: No further questions.

THE COURT: Thank you very much. Next witness.

Next juror, I should say.

THE CLERK: August Nolte. Your name, age, address and occupation.

MR. AUGUST NOLTE: August Nolte, 4214 Kelway Road, 46 years old. I am a motion picture exhibitor and theatre concessionaire.

THE COURT: Mr. Nolte, I am sure you have been in court all morning and heard these various questions asked.

MR. NOLTE: Yes, sir.

THE COURT: Is there anything that occurs to you that would disqualify you as an impartial juror in this particular case?

MR. NOLTE: No, sir.

THE COURT: Any other questions of the juror?

MR. WRIGHT: Have you done any reading on the subject matter of Marxism?

MR. NOLTE: Yes.

MR. WRIGHT: Have you formed any opinion about it?

MR. NOLTE: Not anything that would hinder this

Cavey 4

case.

MR. WRIGHT: Can you explain a little more in detail what you mean by hindering this case?

MR. NOLTE: In giving a just verdict in the case. I have formed no opinion on this particular case.

MR. WRIGHT: Although you may have an opinion on the subject matter of Marxism, you believe you could honestly pass on the guilt or innocence of these defendants?

MR. NOLTE: That's correct.

MR. WRIGHT: What materials did you read?

MR. NOLTE: I can't recall the authors, but I have read different authors on Trozsky, Stalin and various communism and socialism.

MR. WRIGHT: Was that recently?

MR. NOLTE: Over a period of years.

MR. WRIGHT: Have you read anything recently in the papers or heard anything on the radio concerning this case?

MR. NOLTE: Yes, I have read quite a deal in the papers about this particular case but I have formed no opinions on it.

MR. WRIGHT: Did you read the Philbrick articles?

MR. NOLTE: No.

MR. WRIGHT: Will you tell us what your general education is?

Cavey 5

A High School education and business administration.

MR. WRIGHT: Where did you secure your business administration course?

MR. NOLTE: Courses at Hopkins and several courses in the business schools of Baltimore.

THE COURT: What year did you graduate at Hopkins?

MR. NOLTE: I did not graduate.

THE COURT: Were you a special student?

MR. NOLTE: Yes.

THE COURT: What year.

MR. NOLTE: I was there, I believe, in 1945.

THE COURT: What courses did you pursue there?

MR. NOLTE: Business administration in one and business economics the other.

THE COURT: In McCoy College?

MR. NOLTE: Yes.

MR. WRIGHT: Do you belong to any organization the leadership of which expressed opposition to Communism or Communists?

MR. NOLTE: Yes, I belong to a service organization which advocated the passage of the Ober Law in Annapolis. I represented the organization while it was down there.

MR. WRIGHT: You actually participated in the affirmance or acceptance of that legislation?

Cavey 6

MR. NOLTE: I didn't participate in it. I only appeared as a character witness and didn't say anything at the meeting.

THE COURT: You say you appeared as a character witness?

MR. NOLTE: Yes, they asked all our service men to send representatives to Annapolis when the bill was in passage and I spent several days down there as one of the representatives.

THE COURT: You say you had nothing to say?

MR. NOLTE: No, sir.

THE COURT: You were an observer of what went on in Annapolis?

MR. NOLTE: Yes.

THE COURT: Any other questions?

MR. WRIGHT: On the basis of your experience in connection with that, have you formed any opinion as to the guilt or innocence of these defendants?

MR. NOLTE: I haven't.

MR. WRIGHT: No other questions.

THE COURT: Thank you. Step down.

MR. BUCHMAN: I would like to challenge the last juror for cause.

THE COURT: I don't see on what basis.

MR. BUCHMAN: Went to Annapolis to lobby for the

Cavey 7

Ober law.

THE COURT: If you want to examine him further, you may do so, but I see nothing that would make him an improper or partial juror. On the contrary, he said he formed no opinion about it. If you want to pursue it, you may do so.

MR. BUCHMAN: I would like to pursue it further with that prospective juror.

THE COURT: Go ahead, Mr. Buchman.

MR. BUCHMAN: I understand you went to Annapolis to lobby for the passage of the Ober law?

MR. NOLTE: Yes.

MR. BUCHMAN: What organization did you represent?

MR. NOLTE: The Exchange Club of Highlandtown.

MR. BUCHMAN: Do you recall any specific works you read on Marxism?

MR. NOLTE: No, I can't recall the authors at this particular time.

MR. BUCHMAN: When was the most recent time you read anything on it?

MR. NOLTE: It has been four or five years ago.

MR. BUCHMAN: You said you formed an opinion on the subject of Communism?

MR. NOLTE: Yes

MR. BUCHMAN: What is that opinion?

Cavey 8

MR. NOLTE: I don't believe in Communism or Socialism. I believe in the theory of capitalism.

MR. BUCHMAN: If any of the defendants were a member of the Communist Party, would that affect your judgment in this case?

MR. NOLTE: No.

THE COURT: Anything further, Mr. Buchman?

MR. BUCHMAN: No further questions.

THE COURT: Do you insist on your challenge?

MR. BUCHMAN: We would like to exercise our challenge for cause.

THE COURT: I will hear you on the basis of your thinking that this juror's answers subject him to challenge for cause. I will be glad to hear you if you want to discuss it.

MR. BUCHMAN: It does not require lengthy argument. The man went to Annapolis as the representative of an organization against the Ober law.

THE COURT: Against or for?

MR. BUCHMAN: For the Ober law, which was ostensibly agaimed against Communists. In this case there would be an attempt to impute or affect the credibility of the defendants because one or two may or may not be members of the Communist Party, and if the man has such a confirmed opinion on that question as he expressed it - -

Cavey 9

THE COURT: He didn't say he had any confirmed opinion.

MR. BUCHMAN: He said he had an opinion on the question of Communism.

THE COURT: Does that disqualify him as a prospective juror in a case where the charge is not against the defendants because they are Communists but because it is alleged that they advocate the overthrow of the Government of the United States by force and violence. That is the issue here.

MR. BUCHMAN: I quite agree with you. That is the issue, but if the man has such confirmed opinions, I think it would be somewhat unrealistic.

THE COURT: I understood him to say he had no such confirmed opinions. Call him back. Call Mr. Nolte back.

Mr. Nolte, the point is made by counsel in the case that you would not be an impartial juror because you went to Annapolis lobbying, as he expressed it, for the passage of the Ober law. Now, please state a little more fully what your activities on that occasion were and whether you formed or expressed any opinions there about the defendants in this case.

MR. NOLTE: At that particular time, I was President of the Exchange Club of Highlandtown and we went on record advocating the passage of the Ober law,



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and the President and Vice President were asked to go down to Annapolis and appear during the passage of that law, and that was the extent so far as my lobbying was concerned.

THE COURT: I assume from what you have said that you were perhaps in favor of the Ober law and knew what it was?

MR. NOLTE: Yes.

THE COURT: Does that in any way affect your opinion as to whether these defendants are guilty of the charge that is made against them, which is, that they conspired or entered into agreement to overthrow the Government of the United States by force and violence?

MR. NOLTE: No, sir, it does not. I don't know anything about this case other than I have read in the paper, so I can't form an opinion.

THE COURT: You say you have no opinion on the subject?

MR. NOLTE: No.

THE COURT: And would you or not conscientiously perform duties as a juror and decide the case on the law as expressed by the Court and on the evidence as found by the jury and not by the Court?

MR. NOLTE: Yes.

THE COURT: Very well. Any other questions, Mr.

Cavey

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Buchman?

MR. BUCHMAN: No, sir.

THE COURT: I can not rule that that juror is disqualified in this case. Call the next juror.

THE CLERK: Mr. Clarence S. Brown.

THE COURT: What is your occupation?

MR. CLARENCE S. BROWN: Laborer, McCormick & Company.

THE COURT: At Light Street?

MR. BROWN: Yes, sir.

THE COURT: Teas and spices.

MR. BROWN: Yes, sir.

THE COURT: Just what do you do for them?

MR. BROWN: Help grind spices and weigh it up and such other work as given me.

THE COURT: How long have you been employed there?

MR. BROWN: 1922.

THE COURT: 30 years. Have you heard the questions asked during this case?

MR. BROWN: Yes.

THE COURT: Whether as a juror you may be an impartial juror and give an impartial verdict based on the law and evidence?

MR. BROWN: Yes.

THE COURT: Do you know anything about any of the

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defendants or Mr. Flynn or his associates?

MR. BROWN: No, sir.

THE COURT: Very well. Any other questions?

MR. BASSETT: Are you married?

MR. BROWN: Yes.

MR. BASSETT: Is your wife employed?

MR. BROWN: No.

MR. BASSETT: Are you a native Marylander, too?

MR. BROWN: No, West Indian by birth but a naturalized citizen.

MR. BASSETT: Is there a union at McCormick & Company?

MR. BROWN: No, we don't have a union.

MR. BASSETT: Are you acquainted with any member of an investigative committee, legislative or any other kind, or anyone who has testified before such a committee?

MR. BROWN: No, sir.

MR. BASSETT: Have you formed any opinions about Marxism?

MR. BROWN: No, sir, I don't know what it is.

MR. BASSETT: Have you formed any opinions about Communism?

MR. BROWN: No, sir.

MR. BASSETT: Do you know what that is?

MR. BROWN: No, I don't.

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MR. BASSETT: We have no further questions.

THE COURT: Very well. Step down.

THE CLERK: Mrs. Grace A. Silver. State your full name.

MRS. GRACE A. SILVER: Mrs. Grace A. Silver.

THE CLERK: What is your occupation and residence?

MRS. SILVER: I am 52 and I live at 4608 Belvieu Avenue and I am a housewife.

THE COURT: What is your husband's occupation?

MRS. SILVER: He is a salesman.

THE COURT: For what company?

MRS. SILVER: Underwood Corporation, typewriting machines.

THE COURT: Do you have any young children which would make it inconvenient for you to serve a week or two for four or five days a week?

MRS. SILVER: No, sir.

THE COURT: Have you any knowledge about this particular case or any knowledge of the parties involved or any opinions with regard to the merits of the case which would tend to make you a partial rather than an impartial juror?

MRS. SILVER: No, sir.

THE COURT: Any other questions?

MR. BASSETT: Have you or any member of your

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family or any of your close personal friends given information by testimony or otherwise to any committee or other governmental agency reported to be investigating alleged Communistic activities?

MRS. SILVER: No.

MR. BASSETT: Have you ever read the reports of any such committees?

MRS. SILVER: No.

MR. BASSETT: Have you ever read any newspaper articles dealing with agents of the United States Government in connection with Communist activities?

MRS. SILVER: No.

MR. BASSETT: Have you or any member of your immediate family or any of your close friends that you know about ever had anything at all to do with the enactment or administration or enforcement of any of the Federal or State laws that we have been asking about, the Smith Act, the McCarron Act or Ober Law?

MRS. SILVER: No.

MR. BASSETT: Have you formed an opinion about the ideas or theories of Marx?

MRS. SILVER: No.

MR. BASSETT: Or Lenin?

MRS. SILVER: No.

MR. BASSETT: Stalin?

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don't believe I could.

MR. BASSETT: We move that he be excused for cause.

THE COURT: If you care to add anything to that, I don't personally care to say. Have you any objection, Mr. Flynn to excusing him?

MR. FLYNN: No, sir, I think not.

THE COURT: Thank you. You will be excused in this case.

THE CLERK: Charles C. Groggan. Your full name, age, occupation and residence.

CHARLES CARROLL GROGGAN: Charles Carroll Groggan -

THE COURT: Mr. Groggan, of course, is well known to us here in the court. He is or has been the resident director of Haskins & Sells, C. P. A.'s, is that correct?

MR. GROGGAN: Yes.

THE COURT: Are you still active?

MR. GROGGAN: Just about finishing up, the first of June.

THE COURT: Mr. Groggan, do you have any knowledge or acquaintance of this case or the facts of it or the defendants or Mr. Flynn's office or anything else which could make it difficult for you to be an impartial juror in the case?

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MRS. SILVER: No.

MR. BASSETT: Have you ever been a member of any organization which had for any of its principal purposes opposition to the Communist Party?

MRS. SILVER: No.

MR. BASSETT: No further questions, Your Honor.

THE COURT: Thank you, Madam, step down.

THE CLERK: Joseph L. Lau. What is your name, age, occupation and residence?

JOSEPH L. LAU: Joseph L. Lau, 3104 Brightwood Avenue, age 62, cashier, Auchinloss, Parker & Redpath, an investment banking business.

THE COURT: Where is that located?

MR. LAU: Mercantile Trust Building.

THE COURT: What education have you had?

MR. LAU: College, two years.

THE COURT: What college?

MR. LAU: Johns Hopkins.

THE COURT: What year did you leave there?

MR. LAU: 1923.

THE COURT: You have heard all about this case that has been stated in court this morning, haven't you?

MR. LAU: Yes.

THE COURT: Do you feel that you could be an impartial juror in the case?

MR. LAU: I just have a son back from Korea. I

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MR. GROGGAN: No.

THE COURT: Any other questions?

MR. BASSETT: We have no questions. We are also acquainted with Mr. Grogan.

THE CLERK: J. Norman Hobbs. Give your full name, Mr. Hobbs, age, occupation and address.

J. NORMAN HOBBS: Service Station owner, Betholine Sinclair, 4604 Edmondson Avenue, residence 828 Wedgewood Road.

THE COURT: Are you the proprietor or an employee?

MR. HOBBS: The proprietor.

THE COURT: How long have you owned the station?

MR. HOBBS: 12 years.

THE COURT: What education did you have?

MR. HOBBS: High School.

THE COURT: In Baltimore?

MR. HOBBS: Ellicott City.

THE COURT: You have heard what has transpired in court this morning about this case, haven't you?

MR. HOBBS: Yes, sir.

THE COURT: Can you be an impartial juror in the case or do you have any opinions about the case?

MR. HOBBS: I could be impartial about it.

THE COURT: Very well. Any other questions.

MR. BASSETT: We have no questions, Your Honor.



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THE COURT: Thank you very much.

Well now, we have reached the hour of one o'clock and it is customary to take a recess for an hour. How many jurors have been made available?

THE CLERK: So far we have 20 available.

THE COURT: The Court will take a recess now until 2 o'clock.

May I caution all of you possible jurors not to talk about this case and not to let anybody talk to you about the case outside of the court room, and please return promptly at two o'clock.

(Thereupon, at 1:00 P. M., a recess was taken until 2:00 o'clock P. M.)

Owens fls  
Cavey 2pm

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2 p.m.  
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AFTERNOON SESSION

(Met, pursuant to the taking of the recess, at  
2 o'clock p. m.)

THE COURT: Call the next juror.

THE CLERK: Thomas S. Fitchett.

MR. FITCHETT: Here.

THE CLERK: Your full name, age, residence, and  
occupation.

MR. FITCHETT: Thomas S. Fitchett, 200 Midhurst  
Road; 54. I am with the F. X. Hooper Company, Glen Arm,  
Maryland, Vice-President.

THE CLERK: Vice-President, F. X. Hooper Company,  
200 Midhurst Road.

THE COURT: Are you a Baltimorean, Mr. Fitchett?

MR. FITCHETT: Yes, Your Honor.

THE COURT: Always lived here?

MR. FITCHETT: Yes.

THE COURT: What education?

MR. FITCHETT: Three and a half years University,  
and some with Hopkins night school.

THE COURT: Have you been in Court all morning?

MR. FITCHETT: Yes, and heard all the questions.

THE COURT: Does anything occur to you which would  
make it difficult for you to be an impartial juror in this  
case and decide it according to the law and the evidence?

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MR. FITCHETT: No, sir.

THE COURT: Do counsel wish to ask any additional questions?

MR. BASSETT: Yes, Your Honor.

Mr. Fitchett, you are married?

MR. FITCHETT: Yes.

MR. BASSETT: Is your wife employed?

MR. FITCHETT: No.

MR. BASSETT: Now, I see that you are Vice-President of the F. X. Hooper Company, Mr. Fitchett.

MR. FITCHETT: Yes.

MR. BASSETT: Has your company ever had a dispute with its employees in connection with rates of pay, wages, hours or working conditions?

MR. FITCHETT: Yes.

MR. BASSETT: Have they had more than one in the last five years?

MR. FITCHETT: One for the last five years.

MR. BASSETT: I see.

What was the controversy about?

MR. FITCHETT: I kept out of it. I am in the sales end.

MR. BASSETT: I see.

Do you remember how it was resolved? Were there any changes made in relation to time, hours or --

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MR. FITCHETT: Well, they got just what we would have given them without a strike.

MR. BASSETT: Was that a Union matter?

MR. FITCHETT: A. F. of L.

MR. BASSETT: An A. F. of L. Union?

MR. FITCHETT: Yes.

MR. BASSETT: Now, do you know any present or former member, investigator, or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MR. FITCHETT: No.

MR. BASSETT: Have you or any member of your family or any of your intimate friends, about whom you would know, given information by testimony or otherwise to any committee or other governmental agency?

MR. FITCHETT: No.

MR. BASSETT: Have you ever read any reports or transcripts of the hearings of the House Committee on Un-American Activities or any similar committee?

MR. FITCHETT: No.

MR. BASSETT: Have you, or any member of your immediate family, or any of your close friends -- again about whom you would know -- ever had anything at all to do with the enactment, administration, or enforcement, of the Smith Act?

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MR. FITCHETT: No.

MR. BASSETT: Or the McCarran Act?

MR. FITCHETT: No.

MR. BASSETT: Or the Ober Law?

MR. FITCHETT: No, I would not even know what they are.

MR. BASSETT: Do you know anything about the Ober Law?

MR. FITCHETT: Roughly, it is an anti-Communist law. That is all I know.

MR. BASSETT: Have you ever read or heard any explanations, accounts, summaries, or descriptions, not including the original unabridged books, of any of the writings or teachings of Marx, Lenin, Stalin or Foster?

MR. FITCHETT: Roughly. It is so many years ago I have forgotten about it.

MR. BASSETT: Have you any opinion about the ideas or theories of Marx, Lenin or Stalin?

MR. FITCHETT: Well, I don't quite agree with them.

MR. BASSETT: When you say you don't quite agree with them do you mean by that that you are opposed to their economic theories or to their mil -- I will withdraw that.

Directing your attention only to Marx and Lenin, have you formed an opinion about their ideas or their theories?

MR. FITCHETT: Well, it is so long ago, I don't

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know, but I don't have too definite an idea.

MR. BASSETT: Well, now, have you ever been a member of or made contributions or been associated in any way with any organization of any kind or character that has had as one of its principal purposes --

MR. FITCHETT: No.

MR. BASSETT: -- opposition to Communism?

MR. FITCHETT: No, no, indeed.

MR. BASSETT: The only positive response you have made was as indicated that you had a basis for disagreement with the ideas or theories of Stalin. Would that opinion, do you think, serve to prejudice you in any way against the defendants in this particular case?

MR. FITCHETT: No more than if you were a democrat or republican.

MR. BASSETT: No further questions.

MR. FLYNN: No questions.

THE COURT: The next one?

THE CLERK: James P. Whitescarver.

MR. BASSETT: Was he excused?

THE CLERK: He is number thirty-two.

MR. BASSETT: I see.

THE CLERK: On the printed list.

State your full name, age, occupation, and residence,  
Mr. Whitescarver.

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MR. WHITESCARVER: James F. Whitescarver, 302 Tunbridge Road, age 56, occupation salesman.

THE COURT: By whom?

MR. WHITESCARVER: U. S. Industrial Chemicals.

THE COURT: How long have you lived in Baltimore?

MR. WHITESCARVER: Twenty-seven years.

THE COURT: What is your education?

MR. WHITESCARVER: High school, and A. B. and M. A., University of South Carolina.

THE COURT: Are you a native of South Carolina?

MR. WHITESCARVER: Virginia.

THE COURT: Virginia?

MR. WHITESCARVER: Yes.

THE COURT: Have you been in Court this morning?  
All morning?

MR. WHITESCARVER: Yes, sir.

THE COURT: And heard the various questions that were asked?

MR. WHITESCARVER: Yes.

THE COURT: Does any reason occur to you which would disqualify you as an impartial juror?

MR. WHITESCARVER: None.

THE COURT: All right, counsel.

MR. BASSETT: If Your Honor please, I would like to be definite on one point. It seems that Mr. Whitescarver

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was out of the Court for a little while this morning when we were questioning the jurors.

MR. WHITESCARVER: I came in about 10:20, Your Honor.

THE COURT: Well, there was some general questions asked at the time such as do you know any of the defendants in this case?

MR. WHITESCARVER: I heard all those questions, Your Honor.

THE COURT: You did hear those questions?

MR. WHITESCARVER: Yes.

MR. BASSETT: Thank you, Your Honor.

Mr. Whitescarver, how long have you been employed by your present employer?

MR. WHITESCARVER: It will be thirty years this October.

MR. BASSETT: You have always been in the sales end of your company?

MR. WHITESCARVER: Yes.

MR. BASSETT: Has the U. S. Industrial Chemicals Company, your employer, had any dispute with their employees over rates of pay, wages, hours, or working conditions during the time you were employed by them?

MR. WHITESCARVER: That is out of my jurisdiction. I am in the sales end, but we have had possibly some questions



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which were settled without a strike.

MR. BASSETT: I see.

Is there a Union?

MR. WHITESCARVER: Yes. It is the Mine Workers 50 at the plant at Curtis Bay.

MR. BASSETT: That was out of your department?

MR. WHITESCARVER: Yes.

MR. BASSETT: Do you know how those disagreements were resolved? Were they favorable to the workers or not?

MR. WHITESCARVER: Frankly, I don't recall that phase of it.

MR. BASSETT: All right.

Do you know any present or former member, investigator, or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MR. WHITESCARVER: I don't.

MR. BASSETT: Have you or any member of your family or any of your intimate friends given information, by testimony or otherwise, to any committee or any other governmental agency reported to be investigating alleged Communist activities?

MR. WHITESCARVER: No.

MR. BASSETT: Have you ever read any reports or transcripts of the hearings of the House Committee on Un-

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American Activities or of any such State Committee?

MR. WHITESCARVER: No.

MR. BASSETT: Have you or any member of your immediate family, or any of your intimate friends, ever had anything at all to do with the enactment, administration, or enforcement of the Smith Acts?

MR. WHITESCARVER: No.

MR. BASSETT: Or the McCarran Act?

MR. WHITESCARVER: No.

MR. BASSETT: Or the Ober Law?

MR. WHITESCARVER: No.

MR. BASSETT: Have you ever read or heard any explanations, accounts, summaries, or descriptions, not including the original unabridged book of any of the writings of Marx?

MR. WHITESCARVER: No.

MR. BASSETT: Lenin?

MR. WHITESCARVER: No.

MR. BASSETT: Stalin?

MR. WHITESCARVER: No.

MR. BASSETT: Or Stephen -- William Z. Foster?

MR. WHITESCARVER: No.

MR. BASSETT: Have you formed an opinion about the ideas or theories of Marx?

MR. WHITESCARVER: No, I can't say that I have.

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MR. BASSETT: Lenin?

MR. WHITESCARVER: No.

MR. BASSETT: Or Stalin?

MR. WHITESCARVER: No.

MR. BASSETT: Have you ever at any time been a member of or made contributions to or in any way been associated with any organization which has had for one of its principal purposes opposition to the doctrines of the Communist Party?

MR. WHITESCARVER: No.

MR. BASSETT: How about directing your attention to your newspaper readings? Have you ever read any accounts in the press by agents of the F.B. I. in connection with Anti-Communist Activities?

MR. WHITESCARVER: No, I can't recall any particular articles about the activity of the F.B.I.

MR. BASSETT: Or any particular agent such as Mr. Philbrick?

MR. WHITESCARVER: No, I don't recall reading such an article.

THE COURT: Thank you very much, sir. Step down.  
Who is next?

THE CLERK: Miss Irma K. Soeder.

Your name, occupation, and address and age, Miss Soeder?

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MISS SOEDER: Irma K. Soeder, 4 North Monroe Street, 54, clerk, U. S. F. & G.

THE CLERK: 26 South Calvert Street?

MISS SOEDER: Yes.

THE COURT: What is your husband's occupation?

MISS SOEDER: I have no husband. I am not married.

THE COURT: Not married?

MISS SOEDER: No.

THE COURT: What has been your education?

MISS SOEDER: Just high school.

THE COURT: High school?

MISS SOEDER: Yes.

THE COURT: Baltimore, here?

MISS SOEDER: Yes, Baltimore.

THE COURT: Do you know any of the defendants in this case?

MISS SOEDER: No, I don't.

THE COURT: Do you have any opinion about the case one way or the other?

MISS SOEDER: No.

THE COURT: Do you understand the duty of the juror is to be perfectly impartial and to decide the case according to the law and the evidence?

MISS SOEDER: Yes, I do.

THE COURT: Do you understand that duty?

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MISS SOEDER: Yes, I do.

THE COURT: Any questions that you wish to ask  
this lady?

MR. WRIGHT: Yes, Your Honor.

How long have you been employed by the U.S.F & G.  
Company, Miss Soeder?

MISS SOEDER: Thirty-six years.

Walker file  
2:15

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MR. WRIGHT: Are you acquainted with any members of the investigating staff of any committee allegedly inquiring into Communist activities?

(Miss Soeder shook her head.)

MR. WRIGHT: Do you belong to any organization the leadership of which has expressed an opinion in opposition to the Communists or Communist Party?

MISS SOEDER: No.

MR. WRIGHT: Have you read any news accounts or heard anything over the radio concerning this case?

MISS SOEDER: No.

MR. WRIGHT: Have you read any of the writings of Marx or Lenin?

MISS SOEDER: No.

MR. WRIGHT: Or Foster?

MISS SOEDER: No.

MR. WRIGHT: Does anything suggest itself to you as to why you could not sit and render a verdict based solely upon the evidence as it is presented here?

MISS SOEDER: No.

MR. WRIGHT: No other questions.

THE COURT: That is all. Thank you. Step down.

THE CLERK: Joseph W. Latchford.

Your full name, sir, your age, business and residence?

MR. LATCHFORD: Joseph W. Latchford, 628 Orpington

W/b2

Road, 43 years old, employed by the Baltimore and Ohio Railroad as a clerk.

THE COURT: What department?

MR. LATCHFORD: Freight traffic bureau, compilation of freight.

THE COURT: How long have you been in their employ?

MR. LATCHFORD: 25 years.

THE COURT: Do you know any of the defendants in this case?

MR. LATCHFORD: No.

THE COURT: Do you have any personal acquaintance with Mr. Flynn or his associates here?

MR. LATCHFORD: No, sir.

THE COURT: Have you read any of the articles or newspaper accounts that counsel have been asking about here in this case?

MR. LATCHFORD: No, sir, I have not.

THE COURT: Does anything suggest itself to you as to why you could not give a perfectly impartial verdict based upon the law and the evidence in the case?

MR. LATCHFORD: No, sir.

THE COURT: Are there any other questions, counsel?

MR. WRIGHT: Yes, sir, Your Honor, just a few.

Mr. Latchford, are you acquainted with any investigator of any committee allegedly inquiring into

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Communist activities?

MR. LATCHFORD: No, I am not.

MR. WRIGHT: Have you done any reading on the writings of Marx or Lenin or Foster?

MR. LATCHFORD: No, I have not.

MR. WRIGHT: Do you belong to any organization the leadership of which has expressed a view in opposition to the Communists or Communist Party?

MR. LATCHFORD: I am not clear on that question, sir. I am a Roman Catholic.

MR. WRIGHT: Let me put the question to you here this way: --

THE COURT: Mr. Wright, this is a big room. I do not hear you.

MR. WRIGHT: I am sorry, Your Honor.

Mr. Latchford, on the basis of any organizational activity that you have, have you formed any opinion in opposition to Communism as such?

MR. LATCHFORD: No.

MR. WRIGHT: Now, is there any reason that you cannot sit and render a fair and impartial verdict based solely upon the law and the evidence in this case?

MR. LATCHFORD: No, there is not.

MR. WRIGHT: I have no other questions.

THE COURT: Thank you. Step down.



W/b4

Next.

THE CLERK: George Walton Barnes.

Your full name, Mr. Barnes, your age, occupation and residence?

MR. BARNES: George Walton Barnes, 2317 Edison Highway, 55 years old, real estate salesman, for Wallace R. Flowers, 24 East 25th Street.

THE COURT: Have you always lived in Baltimore?

MR. BARNES: Since 1921.

THE COURT: Now, do you know anything about this case, or have you formed or expressed any opinion about it? Have you heard the other questions that have been asked of the other jurors?

MR. BARNES: Yes.

THE COURT: Have you any opinion about the case at all?

MR. BARNES: No, sir.

THE COURT: Is there any reason why you couldn't be an impartial juror according to the law and the evidence?

MR. BARNES: No, I don't think so.

THE COURT: Have you done any reading to form an opinion about the merits of the various views referred to as those of Marx, Lenin and Stalin? Foster, I believe, was added.

MR. WRIGHT: Yes, sir.

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W/b5

THE COURT: Do you know anything about those writings?

MR. BARNES: No, sir, only what I hear on the radio occasionally or read in the paper. I haven't formed any opinion. I have no reason to.

THE COURT: I see. Are there any other questions?

MR. BASSETT: Yes, Your Honor.

Mr. Barnes, Wallace R. Flowers is a member of the Real Estate Board; is that not correct?

MR. BARNES: Yes, sir.

MR. BASSETT: Are you a member of the Real Estate Board?

MR. BARNES: Yes, sir.

MR. BASSETT: Well, then, I direct to you particularly the question: Have you ever been a member or been in any way associated with any organization which has for one of its purposes opposition to the doctrines of the Communist Party?

MR. BARNES: No, sir.

MR. BASSETT: Do you belong to any organization which has expressed opposition to the doctrines of the Communist Party?

MR. BARNES: No, sir.

MR. BASSETT: Now, has the Wallace R. Flowers Company ever had any difficulty or dispute with any of its employes as to rates of pay, wages, hours or working conditions?

MR. BARNES: No, sir.

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MR. BASSETT: Do you know any present or former member, investigator, or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MR. BARNES: No. The only person I know is Mr. Powell, I think, who is Deputy Marshal here. I just know him. I have known him for a long, long time, but I don't know anything about this case, and I probably haven't seen him over once in 15 years.

MR. BASSETT: You certainly have not been made aware of his views on Communism?

MR. BARNES: No, sir.

MR. BASSETT: Have you read any reports of Government agencies in connection with anti-Communist activities, such and as including the Philbrick articles in the Sun?

MR. BARNES: No, sir.

MR. BASSETT: Do you read the Sun?

MR. BARNES: Oh, yes. I don't read the morning paper. I read the evening paper.

MR. BASSETT: I see. Now, have you or any member of your immediate family or any of your close friends ever had anything at all to do with the enactment, administration, or enforcement of the following Federal and State laws:

The Smith Act?

MR. BARNES: No, sir.

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MR. BASSETT: The McCarran Act?

MR. BARNES: No, sir.

MR. BASSETT: The Ober Law?

MR. BARNES: No, sir.

THE COURT: Is there anything else?

MR. BASSETT: No further questions, Your Honor.

THE COURT: Step down.

Next.

THE CLERK: G. Stanley Kranz.

Your full name, Mr. Kranz, age, occupation and residence?

MR. KRANZ: G. Stanley Kranz, 52, 610 Frederick Road, Catonsville, salesman.

THE CLERK: Salesman?

MR. KRANZ: That is right, clerk-salesman.

THE CLERK: Muir Paint and Hardware Company?

MR. KRANZ: That is correct, sir, paint.

THE CLERK: Frederick Avenue?

MR. KRANZ: That is right.

THE COURT: Mr. Kranz, is there any reason that comes to your mind, based on the acquaintance with any of the parties or acquaintance with literature such as has been referred to here, that would make you other than an impartial juror?

MR. KRANZ: Oh, no, Your Honor. No, sir.

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THE COURT: You could give a verdict conscientiously based on the law and the evidence alone?

MR. KRANZ: Yes, sir.

THE COURT: Are there any questions?

MR. WRIGHT: Just a few, Your Honor.

Are you married, Mr. Kranz?

MR. KRANZ: Yes, I am.

MR. WRIGHT: Is your wife employed?

MR. KRANZ: Yes, she is.

MR. WRIGHT: Where is she employed?

MR. KRANZ: Real estate office.

MR. WRIGHT: Are you now or have you ever been employed by the Federal Government or by the Government of the State of Maryland?

MR. KRANZ: I have not.

MR. WRIGHT: Are you acquainted with any present or former member of any investigating staff inquiring into alleged Communist activities?

MR. KRANZ: No, sir.

MR. WRIGHT: Are you acquainted with any of the readings or writings, rather, of Marx or Lenin or Foster?

MR. KRANZ: I am not.

MR. WRIGHT: Have you read anything in the newspapers or heard anything over the radio concerning this case?

MR. KRANZ: This case? I have not.

W/b9

MR. WRIGHT: Are you a member of an organization which has had the primary purpose of opposing Communists and Communist activities?

MR. KRANZ: I am not.

MR. WRIGHT: Do you belong to any organization the leadership of which has expressed such a view?

MR. KRANZ: No.

MR. WRIGHT: Does anything at all suggest itself to you as to why you could not sit as a fair and impartial juror and render a verdict based solely upon the evidence and the law in the case?

MR. KRANZ: I don't know of any.

MR. WRIGHT: That is all.

THE COURT: Thank you, sir. Step down.

Next.

THE CLERK: Mrs. Ruby Sheppard Bullard.

Your full name, age, occupation and residence?

MRS. BULLARD: Ruby Sheppard Bullard. I am a housewife. I am 53 and live at 3602 The Alameda.

THE COURT: What is your husband's occupation, Madam?

MRS. BULLARD: He is a port engineer for a steamship company.

THE COURT: What steamship line?

MRS. BULLARD: The Robin Line.

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W/b10

THE COURT: Is there any reason why you would not be able to serve as a juror consecutively for four or five days, a week, a couple of weeks?

MRS. BULLARD: No, sir, no reason.

THE COURT: No reason?

MRS. BULLARD: No.

THE COURT: You have heard these questions asked about acquaintanceship with any of the parties in the case or any ideas or opinions about the merits of the case?

MRS. BULLARD: Yes, I have.

THE COURT: Have you read any of these articles which have been referred to as written by a man named Marx or Lenin or Stalin or anything of that kind?

MRS. BULLARD: No, I haven't.

THE COURT: Is there any reason why you could not give a conscientious verdict in the case based on the law and the evidence only?

MRS. BULLARD: No reason at all.

THE COURT: Any other questions?

MR. WRIGHT: No questions.

MR. FLYNN: No questions.

THE COURT: Thank you.

Next.

THE CLERK: E. Page Bennett.

THE COURT: Mr. Flynn, you understand you are free

W/bll

to ask questions if you want to?

MR. FLYNN: Yes, sir, I understand.

THE CLERK: Your full name, occupation and residence?

MR. BENNETT: My name is Elton Page Bennett. I am 30 years old. I am an electronic engineer for Westinghouse Electric Company in Baltimore.

THE COURT: Do you know any of the parties to the case?

MR. BENNETT: I do not, Your Honor.

THE COURT: Do you know anything about this particular case?

MR. BENNETT: Not up until this morning, Your Honor. Just what I have seen here.

THE COURT: Do you have any opinion about it?

MR. BENNETT: I have no opinion formed, Your Honor.

THE COURT: Have you been a large reader of literature dealing with the science of government as expounded by a number of different people mentioned here?

MR. BENNETT: I have read a little on the things, the same as I read a little on everything else. I don't take that as my personal hobby. Radio is my hobby which I go for, so that would not apply to anything of that nature.

THE COURT: Have you formed or expressed any opinions about this case or any of the defendants or attorneys?

MR. BENNETT: I am not familiar with the defendants



W/b12

or the attorneys.

THE COURT: Are there any other questions?

MR. BASSETT: Yes, if Your Honor please.

How long have you been employed, sir, at the company where you now work?

MR. BENNETT: It will be six years in early October of this year.

MR. BASSETT: I see. And have you always been classified as an electronic technician since you have been there?

MR. BENNETT: I have, in that capacity in one grade or another, mostly on merit.

MR. BASSETT: What was your educational background which led you to that job?

MR. BENNETT: I have a high school education, and I have one year college level from the Bliss Electrical School, Tacoma, Washington .

MR. BASSETT: Now, is there a union at Westinghouse Electric?

MR. BENNETT: Yes, there is.

MR. BASSETT: Are you a member of it?

MR. BENNETT: I am a member of it, yes.

MR. BASSETT: What union is it?

MR. BENNETT: It is the CIO-UE, I believe. There is a controversy there, I think, between the union and the

W/b13

company. I represent neither union nor company.

MR. BASSETT: Do you go to any union meetings at all?

MR. BENNETT: I have gone to about four meetings since I have been employed there.

MR. BASSETT: In about six years? Since when?

MR. BENNETT: Since I have been employed there.

MR. BASSETT: Am I correct, then, about four meetings in about six years?

MR. BENNETT: Yes, sir, that is correct.

MR. BASSETT: Are you married?

MR. BENNETT: I am married.

MR. BASSETT: Is your wife employed?

MR. BENNETT: No, she is not.

MR. BASSETT: I have no further questions, Your Honor.

THE COURT: Very well. Step down.

THE CLERK: Samuel Cooper.

Your full name, age, residence?

MR. COOPER: My name is Samuel Cooper; I am 59; 3522 Old York Road, Sun Carrier.

THE COURT: Do you read the Sun?

MR. COOPER: When I got time.

THE COURT: Do you know anything about the defendants in this case or have you any opinion as to the merits of the case?

w/bl4

MR. COOPER: No, sir.

THE COURT: Have you had time to read the various newspapers and books, and so on, that have been referred to by counsel?

MR. COOPER: No, sir.

THE COURT: You haven't read them?

MR. COOPER: No, sir.

THE COURT: Do you have any opinion about the merits of the philosophy in them?

MR. COOPER: No, sir.

THE COURT: Do you understand the duties of a juror generally to give a conscientious verdict based upon the law and the evidence only?

MR. COOPER: Yes.

THE COURT: Did you ever serve as a juror before this term?

MR. COOPER: Grand Jury, 1948.

THE COURT: Here in this Court?

MR. COOPER: In Baltimore.

THE COURT: Across the street?

MR. COOPER: Across the street.

THE COURT: I see. Very well. Any further questions?

MR. BASSETT: Did you read the Philbrick articles in the Sun paper?

MR. COOPER: No.

W/b15

MR. BASSETT: You did not read them?

MR. COOPER: No, sir.

MR. BASSETT: Do you employ others in the distribution of the paper?

MR. COOPER: Yes.

MR. BASSETT: How many?

MR. COOPER: About 11 boys.

MR. BASSETT: 11 boys. Have you or any member of your immediate family or close friends whom you know had anything at all to do with the enactment, administration, or enforcement, of any of the following:

The Smith Act?

MR. COOPER: No, sir.

MR. BASSETT: The McCarran Act?

MR. COOPER: No, sir.

MR. BASSETT: The Ober Law?

MR. COOPER: No, sir.

THE COURT: Are the Sun carriers unionized?

MR. COOPER: No, sir.

MR. BASSETT: Have you ever been a member of any organization or contributed to such an organization which had for one of its principal purposes the opposition of Communism?

MR. COOPER: No, sir.

THE COURT: What is your business as a Sun carrier?  
What do you do?

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MR. COOPER: Well, the individual Sun carriers, there is about 170 men taking care of the whole of Baltimore.

THE COURT: Do you carry papers to a different section of the city?

MR. COOPER: Each and every one has a certain territory.

THE COURT: What is your territory?

MR. COOPER: Back of the Stadium and back to Ednor Gardens.

THE COURT: Do you have 11 boys deliver papers for you?

MR. COOPER: 11 boys.

MR. BASSETT: Are you a native of this State?

MR. COOPER: Yes.

MR. BASSETT: Are you married?

MR. COOPER: Yes.

MR. BASSETT: Is your wife employed?

MR. COOPER: No, sir.

MR. BASSETT: No further questions, Your Honor.

THE COURT: Step down.

Next.

THE CLERK: Mrs. Alice Preston Carrington.

Your full name, Mrs. Carrington?

MRS. CARRINGTON: Alice Preston Carrington.

THE CLERK: Your age, occupation and residence?

./b17

MRS. CARRINGTON: 56, 1001 St. Paul Street, and I am a housewife.

THE COURT: Your husband's occupation is what?

MRS. CARRINGTON: I am a widow.

THE COURT: I did not hear you.

MRS. CARRINGTON: I am a widow.

THE COURT: 1001 St. Paul Street is an apartment house, is it not?

MRS. CARRINGTON: Apartment house, yes.

THE COURT: Are you employed yourself?

MRS. CARRINGTON: No, I am not.

THE COURT: What is your education, Mrs. Carrington?

MRS. CARRINGTON: Well, I went to Calvert School and then to Bryn Mawr, and then to private tutors.

THE COURT: Bryn Mawr School here in Baltimore?

MRS. CARRINGTON: In Baltimore, yes, sir.

THE COURT: Did you say what your husband's occupation was?

MRS. CARRINGTON: He was a lawyer.

THE COURT: He was a lawyer, and his name is what?

MRS. CARRINGTON: Edward C. Carrington.

THE COURT: Carrington, yes. Well, Madam, have you any opinion at all about this case or the merits of it? Do you know any of the defendants?

MRS. CARRINGTON: No, I do not.

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THE COURT: Have you made any particular study of the writings of various authors on the types of economic and social philosophy or government that have been referred to here, such as Marx, Lenin, Stalin, and so forth?

MRS. CARRINGTON: No, I really have not.

THE COURT: Do you understand the duties of the juror to be to give a fair and impartial verdict based on the law and the evidence only?

MRS. CARRINGTON: Yes, I do.

THE COURT: Have you ever been a juror before in this Court?

MRS. CARRINGTON: No. This is my first.

THE COURT: This is your first?

MRS. CARRINGTON: Yes.

THE COURT: Very well. Are there any other questions?

MR. BASSETT: Do you have any opinion about Communists or Communism?

MRS. CARRINGTON: Not to amount to a decision, no.

MR. BASSETT: Being a little more specific than the previous question directed to you by His Honor, particularly what political literature have you read by Marx?

MRS. CARRINGTON: I haven't read any.

MR. BASSETT: Or Lenin?

MRS. CARRINGTON: No.

MR. BASSETT: When you were at Bryn Mawr what sort

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of a course did you take there?

MRS. CARRINGTON: Just a regular course.

MR. BASSETT: Bachelor of Science or --

MRS. CARRINGTON: I was not at the college. I was only at the school.

MR. BASSETT: I see. Do you know any present or former member or investigator or person on the staff of any legislative or other committee which is reported to have investigated or to be investigating alleged Communist activities?

MRS. CARRINGTON: No.

MR. BASSETT: Have you or any member of your family or any of your friends about whom you would know given information, by testimony or otherwise, to any committee or any other governmental agency reported to be investigating alleged Communist activities?

MRS. CARRINGTON: No.

MR. BASSETT: Have you or any member of your immediate family or any of your close friends had anything at all to do with the enactment, administration or enforcement of the following Federal and State laws:

The Ober Law?

MRS. CARRINGTON: No.

MR. BASSETT: The McCarran Act?

MRS. CARRINGTON: No.

MR. BASSETT: Or the Smith Act?



W/b20

MRS. CARRINGTON: No.

MR. BASSETT: Now, have you ever been a member of or a contributor to any organization which had as one of its principal objectives the opposition to Communists or Communism?

MRS. CARRINGTON: One of its principal? I am a member of the Episcopal Church.

MR. BASSETT: Well, that is not quite what I meant. Well, I mean you have not belonged to any club?

MRS. CARRINGTON: Oh, absolutely not.

MR. BASSETT: You do belong to some clubs, I am sure?

MRS. CARRINGTON: Yes. Not that kind.

MR. BASSETT: No further questions, Your Honor.

THE COURT: Thank you.

MR. FLYNN: I have no questions.

THE CLERK: Wilbert Joseph Jackson.

Your full name, Mr. Jackson, your age, residence and occupation?

MR. JACKSON: Wilbert Joseph Jackson, 63, 623 North Fulton Avenue, Foreman for the Better Home Construction Company.

THE COURT: The Federal Home Construction Company?

MR. JACKSON: The Better Home.

THE COURT: The Better Home Construction Company.

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W/b21

MR. JACKSON: Yes, sir.

THE COURT: Is that a Federal institution or a city institution?

MR. JACKSON: That is a city, here in the city, yes, sir.

THE COURT: Is this a private corporation or a public corporation?

MR. JACKSON: Private corporation.

THE COURT: Private?

MR. JACKSON: Yes, sir.

THE COURT: What do you do? Lend money on houses?

MR. JACKSON: No, sir. This is a construction home builder.

THE COURT: You are building, are you?

MR. JACKSON: Building homes, yes, sir.

THE COURT: I see. Now, do you know any of the defendants in this case or anything about the case?

MR. JACKSON: No, sir.

THE COURT: Have you any opinion about it?

MR. JACKSON: No, sir.

THE COURT: Are you able to give a just verdict based on the law and the evidence only?

MR. JACKSON: Yes, sir.

THE COURT: Do you have any prejudices against anybody or for anybody in the matter?

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MR. JACKSON: No, sir.

THE COURT: You have no opinion about it?

MR. JACKSON: No, sir.

THE COURT: Very well. Anything else?

MR. BASSETT: Are you married?

MR. JACKSON: No, sir.

MR. BASSETT: Do you belong to a union?

MR. JACKSON: No, sir.

MR. BASSETT: Has your employer ever discussed  
Communism with you?

MR. JACKSON: No, sir.

THE COURT: What do you actually do for this Better  
Homes Company? What is your capacity?

MR. JACKSON: I have charge of all the material,  
ordering all material that they use for the buildings, have  
charge of the laborers that does the excavating and cement  
work, excavating for the trenches where sewers and the like  
of that are concerned.

THE COURT: Would you say you are a foreman or  
superintendent or what?

MR. JACKSON: Yes, sir, foreman.

THE COURT: Foreman?

MR. JACKSON: Yes, sir.

THE COURT: Very well.

MR. BASSETT: No further questions, Your Honor.

W/b23

THE COURT: Thank you. Step down.

Next.

THE CLERK: John H. Leitch.

Your full name, Mr. Leitch, your age, residence and occupation?

MR. LEITCH: John H. Leitch, 1536 Kingsway Road, salesman and assistant to the buyer, Askin Brothers & Company.

THE COURT: What company?

MR. LEITCH: Askin Brothers & Company.

THE COURT: Askin?

MR. LEITCH: Askin, yes, sir.

THE COURT: What is the nature of that business?

MR. LEITCH: Distributors of underwear and hosiery, wholesale.

THE COURT: How long have you lived in Baltimore?

MR. LEITCH: All my life.

THE COURT: What education did you have?

MR. LEITCH: The public schools and business college.

THE COURT: Now, sir, do you know anything about this case or the defendants or about the literature that has been referred to? Have you made any study of it, or do you have any opinion about the case in any way?

MR. LEITCH: No, sir.

THE COURT: Are you able to give a fair and impartial verdict based on the law and evidence only?

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MR. LEITCH: Yes, sir.

THE COURT: Very well. Are there any other questions from counsel?

MR. BUCHMAN: There are several questions, Your Honor.

How long have you been employed by Askin Brothers?

MR. LEITCH: 14 months.

MR. BUCHMAN: 14 months.

MR. LEITCH: Yes, sir.

MR. BUCHMAN: And where were you employed prior to that time?

MR. LEITCH: Butler Brothers, foodstuffs, wholesale corporation.

MR. BUCHMAN: How long have you been working for those two companies?

MR. LEITCH: 40 years.

MR. BUCHMAN: Your entire life?

MR. LEITCH: Yes, sir.

MR. BUCHMAN: Have you read any of the articles in the Sun papers?

MR. LEITCH: No, sir.

MR. BUCHMAN: Have you read any articles pertaining to Communism or Communists?

MR. LEITCH: No, sir.

MR. BUCHMAN: Have you heard anything on the radio

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pertaining to Communists?

MR. LEITCH: I may have heard something on the radio.

MR. BUCHMAN: You couldn't have missed it?

MR. LEITCH: No.

MR. BUCHMAN: As a result of hearing it have you formed any opinion on the question of Communism?

MR. LEITCH: No, sir.

MR. BUCHMAN: You have no opinion whatsoever?

MR. LEITCH: No, sir.

MR. BUCHMAN: Do you believe that Communists advocate the overthrow of government by force and violence?

MR. LEITCH: Well --

THE COURT: I did not hear that question.

MR. BUCHMAN: Do you believe that Communists advocate the overthrow of government by force and violence?

THE COURT: Repeat it, because I did not catch it.

I am sorry.

MR. BUCHMAN: Do you believe that Communists advocate the overthrow of government by force and violence?

THE COURT: Does he think that they do?

MR. BUCHMAN: Yes, your Honor, does he have that preconceived opinion.

THE COURT: All right. Ask him the question if he knows.

MR. LEITCH: From what I have been able to read and

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understand, it appears to me that they would.

MR. BUCHMAN: You have that opinion at this moment?

MR. LEITCH: Yes, sir.

MR. BUCHMAN: I would like to challenge this man.

THE COURT: Some further questions for specification or elaboration are in order.

Mr. Flynn, do you want to ask him any other questions?

MR. FLYNN: Yes, sir, I would like to ask him a few.

Have you got an open mind to the extent that you would be able to give a fair and impartial verdict based upon the evidence that would be given in this case upon the question of whether or not these defendants do advocate the overthrow of the government by force and violence? Would you be able to give a fair and impartial trial?

MR. LEITCH: Yes, sir.

MR. FLYNN: You would?

MR. LEITCH: Yes, sir.

MR. FLYNN: Your mind is not closed as to any feeling about these particular defendants, whether they be Communists or anything else?

MR. LEITCH: No, sir, it is not.

MR. FLYNN: I think that is all I want to ask him.

THE COURT: Is there anything else?

MR. BUCHMAN: If one or more of these defendant s should prove to be a member of the Communist Party, would your opinion be that they advocated the overthrow of government by

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W/b27

force and violence without other evidence?

THE COURT: What is that last? You drop your voice, Mr. Buchman, and I do not hear you.

MR. BUCHMAN: Pardon me, Your Honor,

If one or more of the defendants were found or proved to be members of the Communist Party, would you believe that person or persons guilty of advocating the overthrow of government by force and violence without further evidence?

THE COURT: Without any evidence, you mean?

MR. BUCHMAN: Other than the fact that they were members of the Communist Party.

MR. FLYNN: I think the question is objectionable.

MR. BUCHMAN: It is not clear, I will admit that.

THE COURT: I think I will let him answer the question. If he has a fixed opinion that a Communist is necessarily a man who intends if he can to overthrow the government by force and violence. I think I will listen to that as relevant to his qualifications.

MR. BUCHMAN: Would you answer that question, sir? Did you understand it?

MR. LEITCH: I just don't quite get that.

MR. BUCHMAN: You said that you believed that Communists advocate the overthrow of government by force and violence; is that correct?

MR. LEITCH: I said that is what I believe from what



W/b28

I have read, yes.

MR. BUCHMAN: If the evidence showed that one or more of the defendants were members of the Communist Party, would you therefore, without further evidence, be convinced that they advocated the overthrow of government by force and violence?

MR. LEITCH: That would have to be proved to my mind that he was guilty beyond the shadow of a doubt.

MR. BUCHMAN: But at this moment your belief is that members of the Communist Party advocate the overthrow of government by force and violence; is that correct? From what you say you have read?

MR. LEITCH: Some do, yes, sir, some do.

MR. BUCHMAN: But from what you have read you believe that; is that correct?

MR. LEITCH: I say, what some do and what some advocate, yes, they do.

MR. BUCHMAN: Your Honor, I would like to challenge for cause, I think. He has been frank enough to admit --

THE COURT: Well, we have a number of jurors here. I suppose it would be easier to excuse the gentleman rather than to have an argument on it. You may step down, sir. Excuse him from this case, Mr. Janne.

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2:45

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Walker 245p

THE CLERK: Mrs. Emily W. Boyd. Your full name, age, occupation and residence.

MRS. BOYD: Emily Boyd, housewife, 47, Woodbrook Lane, Baltimore County.

THE COURT: Do you have an occupation?

MRS. BOYD: Housewife.

THE COURT: Did you say your name was Miss or Mrs?

MRS. BOYD: Mrs.

THE COURT: Is your husband a physician?

MRS. BOYD: Yes.

THE COURT: Where is his office?

MRS. BOYD: 24 East Eager Street.

THE COURT: Is he a specialist or general practitioner?

MRS. BOYD: A general practitioner.

THE COURT: Now, madam, do you have any fixed opinion about the merits of this case or do you know any of the defendants?

MRS. BOYD: No, sir.

THE COURT: Is this your first experience as a juror?

MRS. BOYD: Yes.

THE COURT: Do you understand the functions of a juror are to decide a case conscientiously under your

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oath impartially and only on the law and evidence?

MRS. BOYD: Yes.

THE COURT: Have you formed any opinion of the hostility or favoritism or otherwise of philosophical treatises on government such as has been referred to here by counsel written by Marx, Lenin, Stalin - what is the other name - William Z. Foster?

MRS. BOYD: No, sir.

THE COURT: You have no fixed opinions about it at all?

MRS. BOYD: No.

THE COURT: Do you know of any reason why you can not give an impartial verdict to these defendants, based only on the law and evidence in the case?

MRS. BOYD: No, sir.

THE COURT: Any further questions?

MR. BUCHMAN: Mrs. Boyd, I think you said your husband was a member of the medical profession?

MRS. BOYD: Yes.

MR. BUCHMAN: A doctor.

MRS. BOYD: Yes.

MR. BUCHMAN: Would the fact that one or more of the defendants believed in health insurance tend to affect your decision adversely - -

THE COURT: What is that?

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MR. BUCHMAN: The American Medical Association is opposed to socialized medicine - would that tend to prejudice you against these defendants?

MRS. BOYD: No.

MR. BUCHMAN: Have you read any of the Philbrick articles in the Sun paper?

MRS. BOYD: No.

MR. BUCHMAN: Have you read the Red Book magazine?

MRS. BOYD: No.

MR. BUCHMAN: Have you read any of the Saturday Evening Post articles concerning Whitaker Chambers?

MRS. BOYD: No.

MR. BUCHMAN: Have you read anything in the papers or heard anything on the radio or television concerning this case?

MRS. BOYD: Only this morning's paper.

MR. BUCHMAN: But you have heard things over the radio and television concerning Communism?

MRS. BOYD: Yes.

MR. BUCHMAN: Have you formed any opinion on the subject?

MRS. BOYD: No.

MR. BUCHMAN: Have you any opinion that the Communist Party teaches or advocates the overthrow of the government by force or violence?

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MRS. BOYD: No.

MR. BUCHMAN: If any of the defendants should be proved or found to be members of the Communist Party, would that prejudice you against those defendants as far as this case is concerned?

MRS. BOYD: No, sir.

MR. BUCHMAN: I think that is all.

THE COURT: Who is your father, Mrs. Boyd?

MRS. BOYD: Mr. Harry West.

THE COURT: Mr. West is one of our Jury Commissioners.

THE CLERK: Gertrude F. Cook. State your full name, age, occupation and residence.

MRS. GERTRUDE F. COOK: Gertrude F. Cook, 57, 4206 Barrington Road.

THE COURT: Do you have any young children?

MRS. COOK: No.

THE COURT: Would you be inconvenienced by serving on the jury for approximately two weeks?

MRS. COOK: No, sir.

THE COURT: What is your husband's occupation?

MRS. COOK: Salesman.

THE COURT: For whom?

MRS. COOK: Clinton L. Gray.

THE COURT: What line of business is that?

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MRS. COOK: He sells Schlitz beer.

THE COURT: That is made in Milwaukee, isn't it?

MRS. COOK: Yes.

THE COURT: Have you any opinions about this case at all or do you know anything about it?

MRS. COOK: No, sir.

THE COURT: Do you know any of the defendants?

MRS. COOK: No.

THE COURT: Do you know Mr. Flynn?

MRS. COOK: No, not -

THE COURT: By sight.

MRS. COOK: Yes.

THE COURT: Has he argued any cases before you as a juror before?

MRS. COOK: No.

THE COURT: Is there any reason that occurs to you why you would be disqualified as an impartial juror in this case?

MRS. COOK: No.

THE COURT: Do you think you could give a perfectly conscientious verdict based only on the law and evidence?

MRS. COOK: Yes.

THE COURT: Any other questions?

MR. BUCHMAN: Have you yourself ever been employed?

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MRS. COOK: A long time ago.

MR. BUCHMAN: Have you ever read anything in the paper concerning this particular case?

MRS. COOK: No, I haven't.

MR. BUCHMAN: Have you read anything in the papers or in the periodicals concerning the subject of Communism?

MRS. COOK: No.

MR. BUCHMAN: Did you read the series of articles in the Evening Sun by Philbrick?

MRS. COOK: No.

THE COURT: This article by Mr. Philbrick does not seem to have been a best seller among the jurors.

MR. BUCHMAN: Have you any fixed opinions concerning the subject of Communism and Communists?

MRS. COOK: No.

MR. BUCHMAN: Have you read any of the writings of the authors referred to?

MRS. COOK: No, I haven't.

MR. BUCHMAN: Have you read anything about them?

MRS. COOK: No.

MR. BUCHMAN: Do you belong or are you a member or affiliate of or have you made financial contributions to any organization, religious or secular, whose leaders or representatives or clergy expressed opposition or hosti-

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lity to Communism or Communists?

MRS. COOK: No.

MR. BUCHMAN: Do you believe that Communists advocate the overthrow of government by force and violence?

MRS. COOK: No.

MR. BUCHMAN: Have you any opinions at all on the subject?

MRS. COOK: Not too many.

MR. BUCHMAN: You said not too many. Have you any?

MRS. COOK: No, not at the present time.

MR. BUCHMAN: If one or more of the defendants should be found to be members of the Communist Party, would that in any way affect your opinion in this case?

MRS. COOK: No.

MR. BUCHMAN: Were you present at any meeting at which Angela Talamaris spoke - -

THE COURT: I doubt if the lady ever heard of the name.

MR. BUCHMAN: There was a story in the paper. She did speak in Baltimore, but you haven't heard her.

MRS. COOK: No, I haven't.

THE COURT: Any further questions?

MR. BUCHMAN: No further questions.



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THE COURT: Thank you. Step down.

THE CLERK: Lester G. Rice. Your full name.

LESTER G. RICE: Lester G. Rice.

THE CLERK: Your age and occupation.

MR. RICE: 60. Blacksmith helper.

THE CLERK: For the B. & O. Railroad at Mount  
Clare Shops.

MR. RICE: Yes, sir.

THE CLERK: Where do you live?

MR. RICE: 1006 North Arlington Avenue.

THE COURT: Are you in good health?

MR. RICE: Yes.

THE COURT: I see -

MR. RICE: I wear an artificial limb.

THE COURT: Does that inconvenience you in any  
way in getting to court or around?

MR. RICE: No, sir.

THE COURT: There is no reason why you could not  
serve a couple weeks as a juror?

MR. RICE: None whatever.

THE COURT: Do you know anything about this case  
or do you know any facts about it?

MR. RICE: No.

THE COURT: Do you have any opinions about it?

MR. RICE: No, I haven't.

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THE COURT: Are you able to give a fair and impartial trial to the defendants on the evidence in the case?

MR. RICE: I would.

THE COURT: Do you know anything about this literature that has been referred to by counsel?

MR. RICE: No, I don't.

THE COURT: Any other questions?

MR. BUCHMAN: Just a few. Were you injured on the job?

MR. RICE: Yes.

MR. BUCHMAN: At the B. & O. Railroad.

MR. RICE: Yes.

MR. BUCHMAN: Did you receive a special job as a result of your injury?

MR. RICE: Yes.

MR. BUCHMAN: Did you receive that as a lifetime job?

MR. RICE: Well, yes, practically.

MR. BUCHMAN: Or at the will of the B. & O.

MR. RICE: Yes.

MR. BUCHMAN: Do you receive any pension in addition to that job?

MR. RICE: No.

MR. BUCHMAN: You just have a specially assigned

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job. Are you receiving the same compensation you received before your injury?

MR. RICE: That's right.

MR. BUCHMAN: I want to ask you this question. Would you be embarrassed in any way as to your verdict in what the effect might be on your employer as to your job?

THE COURT: Just a minute. What do you mean by that?

MR. BUCHMAN: I mean this: The man has a special job in view of his injury, which was given him by the B. & O. Railroad and I want to know whether he would be embarrassed in arriving at a verdict in which there might be repercussions from his employer.

THE COURT: Doesn't that assume that his employer would be in some way affected by any verdict that there might be? I just don't understand the reasons.

MR. BUCHMAN: What I want to determine is whether, in this juror's mind, his conclusions would in any way be affected by what his employer's reaction might be. That is why I asked the question.

MR. FLYNN: I object to the question.

THE COURT: His employer is a Maryland corporation formed in 1827 and it would be a perfect abstraction. If you want to know who his boss is and what his boss

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might say, depending on whether he was on the jury and the jury did this, that and the other. If you want to ask that -

MR. BUCHMAN: I don't want to follow that any further. He answered that "no" and I don't want to expand it any further. That is all.

THE COURT: Step down.

THE CLERK: Wendell H. Baker. State your name, age, residence and occupation.

MR. BAKER: Wendell H. Baker, Treasurer and General Manager, Cloverland Farm Dairy, 5803 Kenmore Road.

THE COURT: How long have you been connected with that company?

MR. BAKER: Since 1929.

THE COURT: Have you always lived in Baltimore?

MR. BAKER: Since 1910.

THE COURT: Were you educated here?

MR. BAKER: Baltimore City College.

THE COURT: Do you know anything about this case or the defendants or do you know Mr. Flynn or any of his associates?

MR. BAKER: No, sir. I have heard Mr. Meyers testify in the City Council hearings but I don't know him personally.

THE COURT: Have you any opinion about the case

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or the merits of the case or any opinion about the general subjects of socialism, Marzism, Leninism, Stalinism, capitalism, free enterprise?

MR. BAKER: I am strongly opposed to Communism. The American way of life has been doing a very fine job.

MR. BUCHMAN: I just want to have Your Honor caution the witness. I didn't know how far he was going in his possible prejudicial remarks.

THE COURT: If you care to ask him some more questions -

MR. BUCHMAN: No.

MR. BASSETT: Mr. Baker, what is the nature of your duties with the Cloverland Farm Dairies?

MR. BAKER: General Manager duties.

MR. BASSETT: That means you are generally responsible for the supervision of the employees of the dairy?

MR. BAKER: Yes.

MR. BASSETT: About how many employees are there?

MR. BAKER: Close to 300.

MR. BASSETT: Is there a union there?

MR. BAKER: Independent Dairy Workers Union.

MR. BASSETT: Have you ever had any dispute with the union or any large group of workers as to hours, working conditions or their wages?

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MR. BAKER: General negotiations - no trouble.

MR. BASSETT: Never had a strike?

MR. BAKER: You speak of before five years?

MR. BASSETT: You haven't had a strike - I don't mean you never had a strike but say within the last 15 years.

MR. BAKER: No.

MR. BASSETT: Would you have anything to do with the determination of the price at which Cloverland Dairy milk is sold?

THE COURT: How could that relate to this issue?

MR. BASSETT: Because he was at the City Council hearing that had to do with the price rise in milk.

MR. FLYNN: Why don't you find out if he was there.

MR. BASSETT: He said he heard Mr. Meyers testify.

MR. WRIGHT: If the questions were answered, we could find out what it is about without needless argument.

THE COURT: Ask the question. Go ahead.

MR. BASSETT: What was your purpose in being at the City Council on the day you heard Mr. Meyers testify?

MR. BAKER: To hear the procedure and see what was going on.

MR. BASSETT: What was your interest, particular

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interest?

THE COURT: Interest in what?

MR. BASSETT: I was going to try to make him say milk prices.

THE COURT: So far we have heard nothing about that issue before the City Council or why Mr. Meyers was there. Questions should not be so vague as to make the answers difficult.

MR. BASSETT: What was the issue before the City Council?

MR. BAKER: It was a commission appointed by the City Council to investigate the price of milk in Baltimore City that had a hearing and Mr. Meyers testified.

MR. BASSETT: What position did Mr. Meyers take?

MR. BAKER: He tried to produce in evidence that the price of milk was too high.

MR. BASSETT: What was the outcome of the hearing?

MR. BAKER: They adjourned until further hearing.

MR. BASSETT: Has there been such a hearing?

MR. BAKER: Not to my knowledge, no.

MR. BASSETT: What was your position? Were you in agreement with Mr. Meyers?

MR. BAKER: I did not testify.

MR. BASSETT: Were you there in company with other

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dairy operators?

MR. BAKER: No, sir.

MR. BASSETT: No other dairy operators were there?

MR. BAKER: I think so, yes.

MR. BASSETT: Do you feel what you heard Mr. Meyers say there or what you observed there or the fact that he participated in such a hearing, would that produce any bias or any prejudice in your mind against Mr. Meyers?

MR. BAKER: I did not agree with his strain of thought.

MR. BASSETT: Directing your attention now to the issues of this case, do you think it would have any bearing on your ability to render a fair verdict as far as Mr. Meyers is concerned?

MR. BAKER: No.

MR. BASSETT: In response to one of the questions asked you by His Honor, Judge Chesnut, you stated you were firmly opposed to Communism, is that correct?

MR. BAKER: Yes.

MR. BASSETT: On what information do you base that?

MR. BAKER: Just that you gather through the years through editorials and publications and conversation and reactions as far as the world is going on.

MR. BASSETT: You yourself used the words "firmly



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opposed". I take it that it is a conviction in your mind.

MR. BAKER: Yes.

MR. BASSETT: Have you read any of the literature referred to before, the books of Marx and Lenin?

MR. BAKER: Just excerpts.

MR. BASSETT: You have read excerpts?

MR. BAKER: Yes, just sections that have been quoted in various places. I never read the book.

MR. BASSETT: Do you happen to recall where you ran across those excerpts that were quoted in pamphlets?

MR. BAKER: No.

MR. BASSETT: Do you belong to any organization that has for any of its purposes opposition to Communism?

MR. BAKER: No, sir.

MR. BASSETT: Do you have anything to do with the enactment, administration or enforcement of the Smith Act, McCarron Act or Ober Law?

MR. BAKER: No, sir.

MR. BASSETT: We have just one area that I would like to ask you one or two questions about in connection with your conviction as to Communism. Do you believe that Communists are subversive?

MR. BAKER: Yes, sir.

MR. BASSETT: Do you believe a member of the Communist Party could not be a loyal citizen of the United

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States?

MR. BAKER: Not if he knew the whole story.

MR. BASSETT: You believe the Communist Party is an agent of a foreign power.

MR. BAKER: Yes, sir.

MR. BASSETT: Do you have any opinion that any of these defendants have taught or advocated overthrow or destruction of the Government of the United States by force or violence as speedily as possible?

MR. BAKER: I don't know anything about them.

MR. BASSETT: If one or more of the defendants were to state that they were Communists, would that prejudice you as far as your tendency to believe or disbelieve what they said under oath?

MR. BAKER: I don't see how a man working for the Communist Party in some official capacity could believe what it is supposed to stand for and not go along with that principle.

MR. BASSETT: If Your Honor please, I think that is sufficient to illustrate it might be better to excuse Mr. Baker for cause.

THE COURT: We have quite a number of other jurors here and I think this gentleman can be excused. I do not want to have it understood by making this ruling that the answers which the witness or juror has given would

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necessarily disqualify him as a juror, but we have plenty of other jurors here and the aim is to get an open-minded jury. Step down, sir. You are excused from this case. Call the next juror.

THE CLERK: Miss Evelyn Schroeder. State your name, age, occupation and residence.

MISS SCHROEDER: Evelyn Schroeder. I am Secretary of the North Avenue Methodist Church and live at 2794-1/2 Tivoly Avenue.

THE COURT: Do you know any of the defendants in this case, Mr. Flynn or any of his associates?

MISS SCHROEDER: No, sir.

THE COURT: Is this your first experience as a juror in the courts?

MISS SCHROEDER: Yes, it is.

THE COURT: Have you any young children you have to look after at home?

MISS SCHROEDER: No, I am employed.

THE COURT: Is there any reason why you could not serve conveniently as a juror for two or three weeks?

MISS SCHROEDER: I think it might be inconvenient to my employer since I am the only person in the office.

THE COURT: Does everybody think it well to excuse the lady?

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MR. BASSETT: We will stipulate to excuse the lady.

THE COURT: You may step down. You are excused.

THE CLERK: John Lawrence Rosenberger. State your name, age, residence and occupation.

MR. ROSENBERGER: I am 62. I am Vice President in charge of the Highlandtown Branch Office of the Equitable Trust Company and live at 2818 Beechland Avenue. I have been with them 30 some years.

THE COURT: Do you know anything about this case or any of the defendants or any associates of Mr. Flynn or M. R. Flynn?

MR. ROSENBERGER: No, sir.

THE COURT: Have you any ideas or opinions about the subjects of Communism, Marxism, Leninism, Capitalism or anything of that kind which would be so fixed that it would make it difficult for you to decide as a juror impartially?

MR. ROSENBERGER: No, sir.

THE COURT: Does counsel wish to ask anything?

MR. BUCHMAN: How long have you been Assistant-Treasurer of the Equitable Trust Company.

MR. ROSENBERGER: I am Vice President now. About 20 years.

MR. BUCHMAN: I see. You have been promoted since this list was printed.

Ows. fls  
Cavey 3:15

MR. BUCHMAN: All right, sir. Have you read anything concerning this case?

MR. ROSENBERGER: I have not.

MR. BUCHMAN: Have you heard anything or read anything on the general subject of Communism?

MR. ROSENBERGER: No.

MR. BUCHMAN: Have you read any newspaper, magazine or books on the subject?

MR. ROSENBERGER: No, sir.

MR. BUCHMAN: Did you ever hear anything about it?

MR. ROSENBERGER: It didn't amount to anything.

MR. BUCHMAN: Have you ever seen anything that appeared in the newspapers or anything like that about Communism?

MR. ROSENBERGER: Not to pass any judgment on it.

MR. BUCHMAN: Do you have an opinion on the subject of Communism?

MR. ROSENBERGER: No, not definitely.

MR. BUCHMAN: Do you know what Communism is?

MR. ROSENBERGER: A little bit.

MR. BUCHMAN: What is your opinion of it?

MR. ROSENBERGER: Well, from what I gather, I suppose it has its good side and its bad side.

MR. BUCHMAN: Do you think that Communism advocates the overthrow of the Government by force and violence or the

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Communist Party?

MR. ROSENBERGER: I can't definitely say.

MR. BUCHMAN: Have you heard or read anything to that effect?

MR. ROSENBERGER: No.

MR. BUCHMAN: Have you formed an opinion on the subject?

MR. ROSENBERGER: No.

MR. BUCHMAN: If one or more of the defendants were found to be a member of the Communist Party, do you think that would affect your opinion?

MR. ROSENBERGER: No, it would not.

MR. BUCHMAN: Have you read the articles by Philbrick in the press?

MR. ROSENBERGER: No.

MR. BUCHMAN: No further questions.

THE COURT: Thank you very much.

MR. FLYNN: That is thirty-five.

THE CLERK: That is thirty-five.

THE COURT: Now, gentlemen, the Clerk tells me he has the names of thirty-five jurors that have been examined individually on their voir dire, and I find that none are subject to challenge for cause.

Now, the Clerk will make up a list of those thirty-five names and give them to counsel on both sides. The

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Government has a right to strike six peremptorily, and the defendant has a right ordinarily to strike ten. In this case I have increased that by virtue of the number of the defendants to fifteen, to be exercised, as I understand it by agreement jointly including the defendants who are represented by counsel and the two who are not presently represented by counsel.

That would leave fourteen jurors.

Now, I think, Mr. Buchman, that you or one of your associates in the case asked me to rule that there was cause for challenge of two of the jurors who were examined on their voir dire.

I did not think that they were disqualified by virtue of their answers, but in order to have as fair and disinterested jurors as we can possibly have, I will increase the number of defendants' challenges to seventeen, so that if you desire you can -- one side or the other can strike those two names. Now, that will leave twelve, and after we select the twelve then we will have to select the alternates. But the first thing to do here is to select the twelve in this way.

I understand that if one side or the other does not strike the full number we will have to have the Clerk strike the other.

MR. FLYNN: If your Honor please if either side takes

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their strikes then we will have the necessity of calling two more jurors, as I understand.

THE COURT: Well, maybe my mathematics are wrong, but twelve and seventeen strikes and six make thirty-five, don't they?

MR. FLYNN: Of course, we would have to call two more. We would have two alternates.

THE COURT: Well, the alternates are selected separately, Mr. Flynn, under the rules. After we get twelve then we would have to call the additional jurors to make up the alternates.

MR. FLYNN: Well, I did not understand it.

THE COURT: The reason is that under the rules the peremptory challenges are not applicable to the alternates, but when the alternates are called there is an additional challenge on each side for each one or two of the alternates.

MR. FLYNN: That is correct, Your Honor.

THE COURT: That is the mechanics of the rules upon the subject. We have not had to apply it heretofore.

MR. BASSETT: If Your Honor please in view of the importance which the defendants attach to the proper meeting of the minds as to the use of the peremptory challenges, may I ask for a fifteen minutes recess so that we may confer together on this?

THE COURT: As soon as the Clerk gives you a list.



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MR. BRAVERMAN: May we have the use of one of the ante rooms, Your Honor.

THE COURT: Yes, certainly.

Do you want a fifteen or ten minute recess?

MR. BUCHMAN: Ten.

THE COURT: Recess for ten minutes.

(Thereupon, a short recess was taken, after which the following occurred:)

Wkr. fls

E-1  
Walker flws  
O at 3:30  
bl

THE COURT: Proceed, gentlemen.

MR. BUCHMAN: Your Honor, I am sorry we overstayed our leave.

THE CLERK: Members of the petit jury selected on this special panel will please take seats in the jury box as your names are called:

James F. Whitescarver; John A. Miller; Edward T. Blake, Sr.; Winston R. Banbury; Adam Stanley; Clarence S. Brown; Mrs. Anna A. Crow; Mrs. Grace A. Silver; Miss Irma K. Soeder; G. Stanley Kranz; Samuel Cooper; and Wilbert Joseph Jackson.

THE COURT: Now, I will ask counsel on both sides whether the twelve jurors called and seated in the box are in accordance with the strikes, the peremptory strikes which have been made.

MR. FLYNN: They are. We have no objection to any of them, sir.

THE COURT: Are they satisfactory to the defendants?

MR. BASSETT: The jury is satisfactory to the defendants, Your Honor.

THE COURT: Very well. The next thing to do is to select the alternate jurors. I will be glad to hear the views of counsel as to the number, two or four.

Under the rules there cannot be more than four selected. Ordinarily when we have had additional jurors the

W/b2

only times that we have had to have additional jurors we have had two. Whether it will be expedient or desirable to have four in this case I am not entirely clear. I hope there will be no necessity for any alternate jurors, but possibly in view of any contingencies that might arise unexpectedly, we could have either two or four.

MR. WRIGHT: We believe two would be satisfactory, Your Honor.

MR. FLYNN: I am rather inclined to believe it should be four. There is no question of estimating the length of the case, but it could possibly be long, and we have had recently two experiences where it was necessary to use alternate jurors, and I think it would be safer, sir, if we would have four instead of two.

Cvy  
3:50

Cavey fls  
Walker 3;50

THE COURT: Well, of course, there can be no objection to four because none of the alternate jurors will be needed unless there is real occasion for it by reason of the incapacity or excuse for other cause or any sufficient cause of any of the other jurors. The alternate jurors, of course, do not retire to consider the verdict with the other jurors unless they have been substituted by the necessity therefor, so we will now proceed to call four alternate jurors. Call the first available name on the list, Mr. Janne, after the 35 which you have already had.

THE CLERK: BERNARD O. BENNS.

THE COURT: What is your occupation?

MR. BENNS: Janitor.

THE COURT: For whom?

MR. BENNS: For the Rodgers Forge Apartments.

THE COURT: How long have you been employed there?

MR. BENNS: About two years. The project was just then constructed.

THE COURT: What was your occupation before that?

MR. BENNS: I was with the Bethlehem Steel.

THE COURT: In what capacity?

MR. BENNS: In the maintenance department.

THE COURT: What education have you had?

Cavey 2

MR. BENNS: About seventh grade.

THE COURT: Married?

MR. BENNS: Yes, sir.

THE COURT: Where do you live?

MR. BENNS: 2125 Druid Hill Avenue.

THE COURT: Do you know anything about this case?

MR. BENNS: Only what I have heard here today.

THE COURT: Have you formed any opinions about it as to the knowledge or innocence of any of these defendants?

MR. BENNS: No, sir.

THE COURT: Do you understand the duties of a juror are to give a conscientious verdict based only on the law and evidence?

MR. BENNS: Yes, sir.

THE COURT: Do you know anything about the writings of different people referred to here in court?

MR. BENNS: No, sir.

MR. FLYNN: No questions.

THE COURT: Do counsel wish to ask any further questions?

MR. FLYNN: No, sir, I don't care to ask any questions.

THE COURT: How about you on the other side?

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MR. BUCHMAN: Have you read anything on the subject of Communism at all?

MR. BENNS: No, sir.

MR. FLYNN: May I ask just one question. When you were employed at the Bethlehem Steel Company, did you leave there because of getting out of employment or why did you leave the Bethlehem Steel?

MR. BENNS: I was sick. I was out of work about a year. I had a kidney operation and at that time, when I went back to work, the work was too strenuous because it was near the water and I wasn't able.

MR. FLYNN: That's all.

THE COURT: Very well. Apparently there is no objection to him. You can take the first of the alternate seats. The next person to be called. You understand, both sides, that each side has one challenge for each two of the alternate jurors and you can exercise that challenge as to the first or second person called.

THE CLERK: Mrs. Edith Irene Jones. State your name, occupation and residence.

MRS. JONES: Edith Irene Jones, housewife, 2406 Halcyon Avenue.

THE COURT: Mrs. Jones, what is your occupation?

MRS. JONES: Housewife.

THE COURT: And your husband is who?

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MRS. JONES: He is employed at the American Telephone and Telegraph Company.

THE COURT: Have you always lived in Baltimore?

MRS. JONES: Since 1923.

THE COURT: What is your husband's occupation with the A. T. & T?

MRS. JONES: He is chief test board man of the A. T. & T. Company, in charge of test boards of the long lines division.

THE COURT: Where do you live?

MRS. JONES: Halcyon Avenue, 2406.

THE COURT: Have you served on the jury here before?

MRS. JONES: Never. This is my first time.

THE COURT: Have you any children?

MRS. JONES: No.

THE COURT: Is there any reason why you could not serve on the jury for two or three weeks if necessary?

MRS. JONES: I don't think so.

THE COURT: Do you know any of the defendants in this case or any of Mr. Flynn's office?

MRS. JONES: No.

THE COURT: Have you formed or expressed any opinions about the merits of this case in any way?

MRS. JONES: No, I haven't.

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THE COURT: Do you know anything about this philosophical or governmental writings which you heard about today?

MRS. JONES: No, I don't, not too much.

THE COURT: Any questions from counsel?

MR. FLYNN: No questions.

MR. BUCHMAN: May I ask a question as to procedure? One or two challenges indiscriminately to the four or only those called?

THE COURT: Each side has one additional challenge for each two alternate jurors.

MR. BUCHMAN: Which means, since four will be called, we will have two challenges.

THE COURT: Yes, so you have to exercise the challenge with respect to the first and second alternate jurors as called. Now, that is the procedure in the rule. We have never had occasion to use it before and I looked it up particularly.

It is Rule 24, Sub-paragraph (c), Alternate Jurors:

"The Court may direct that not more than four jurors in addition to the regular jury be called and empaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who prior to the time the jury retires



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to consider its verdict become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges and shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors.

"An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

"Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be empaneled and two peremptory challenges if three or four alternate jurors are to be empaneled. The additional peremptory challenges may be used against an alternate juror only and the other peremptory challenges allowed by these Rules may not be used against an alternate juror."

That seems to be immaterial because all the peremptory challenges have been used in this case.

Does everybody understand that? All right. Are there any further questions you wish to ask about it?

MR. BUCHMAN: I don't think so. No further questions to ask this juror.

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THE COURT: Have you finished with this juror?

MR. BUCHMAN: Have you read anything about this case?

MRS. JONES: No, I haven't.

MR. BUCHMAN: Have you read anything on the subject of Communism?

MRS. JONES: Not too much.

MR. BUCHMAN: Have you read the Philbrick story in the Evening Sun?

MRS. JONES: No.

MR. BUCHMAN: Have you heard any discussion on radio or television on the subject of Communism?

MRS. JONES: No.

MR. BUCHMAN: Do you believe the Communists advocate the overthrow of government by force and violence?

MRS. JONES: No.

MR. BUCHMAN: Have you any opinion on the subject?

MRS. JONES: No.

THE COURT: Any challenge? Any further questions?

MR. BUCHMAN: No challenge.

THE COURT: Take your seat, please, madam. Call the next available juror.

THE CLERK: H. Leroy Carter, Jr. State your

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name, age, occupation and residence.

MR. CARTER: H. Leroy Carter, Jr., 33.

THE COURT: Mr. Carter, please state your age and occupation.

MR. CARTER: Age 33. I work with the Resinol Chemical Company, sales and advertising.

THE COURT: How old are you?

MR. CARTER: 33.

THE COURT: Married?

MR. CARTER: Yes, sir.

THE COURT: Where do you live?

MR. CARTER: 6441 Blenheim Road.

THE COURT: Education.

MR. CARTER: B. S., University of Virginia, 1941.

THE COURT: You have been in court during the day, have you?

MR. CARTER: Yes.

THE COURT: And heard the questions asked various prospective jurors?

MR. CARTER: Yes, sir.

THE COURT: Do you know of any reason why you can not be an impartial, conscientious juror deciding your verdict only upon the law and evidence in the case?

MR. CARTER: No, sir, I know Mr. Green. I have known him about 15 years.

THE COURT: You mean Mr. Green, the associate of

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Mr. Flynn?

MR. CARTER: Yes, sir.

THE COURT: Is your acquaintance with him such that it would influence your verdict either for or against him?

MR. CARTER: No, sir.

THE COURT: In what way have you known him?

MR. CARTER: Well, just as a casual acquaintance socially, seeing him at parties and that sort of thing.

THE COURT: Any other questions to ask the juror?

MR. FLYNN: No questions.

MR. BUCHMAN: We will exercise our challenge.

THE COURT: Very well. Step down, sir. Call the next one.

THE CLERK: Maston T. Bass. State your name, age, occupation and residence.

MR. BASS: Maston T. Bass, 66, 1523 East Chase Street, barber.

THE CLERK: Your own barber shop?

MR. BASS: Yes, my own barber shop.

THE COURT: In your barber shop, have you heard any discussion of Communism, Leninism, Stalinism or Marxism?

MR. BASS: No, sir, I don't.

C 10

THE COURT: You have no opinion about them?

MR. BASS: No.

THE COURT: How old are you?

MR. BASS: 66.

THE COURT: What did you do before you became a barber?

MR. BASS: Hotel waiter.

THE COURT: Have you lived in Baltimore a good many years?

MR. BASS: 47 years.

THE COURT: Were you educated here?

MR. BASS: No, sir, in North Carolina.

THE COURT: Where do you live?

MR. BASS: 1523 East Chase Street.

THE COURT: You have been in court all day, have you?

MR. BASS: Yes.

THE COURT: Have you formed or expressed any opinion about the guilt or innocence of the defendants?

MR. BASS: No.

THE COURT: Do you know anything about the case?

MR. BASS: I don't know nothing about the case.

THE COURT: Do you think you are able to give a fair and impartial and conscientious verdict based upon the law and evidence only?

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MR. BASS: Yes, sir.

THE COURT: Do counsel wish to ask any questions?

MR. FLYNN: I might ask - you have your own barber shop?

MR. BASS: Yes.

MR. FLYNN: Do you have any assistance there?

MR. BASS: Yes, sir.

MR. FLYNN: In other words, your being called for an extended length of time would not affect your business any and it could go along without your being there?

MR. BASS: Yes.

THE COURT: Would it inconvenience you if you had to sit two or three weeks?

MR. BASS: No, it wouldn't inconvenience me.

THE COURT: Any questions from the defendants?

MR. BUCHMAN: No questions.

THE COURT: No objection; no questions; no challenge. Take the third seat, sir. Next juror.

THE CLERK: Morton Shor. State your name, age, residence and occupation.

MR. SHOR: I am 31, and I am a mechanic with Penn Brothers. I live at 2907 Violet Avenue.

THE COURT: You are Mr. Morton Shor?

MR. SHOR: That is correct.

THE COURT: The Clerk just tells me that your

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employer said it would greatly inconvenience him if you were kept on jury service continuously for two or three weeks. Tell us about that if there is anything to tell us.

MR. SHOR: That's right, sir. My employer is very handicapped with the manpower shortage. We just lost one man to the army and being a service counsellor in charge of the men there, it will inconvenience him as far as running the business.

THE COURT: Where are you employed?

MR. SHOR: Penn Brothers, 4101 Reisterstown Road, a De Soto-Plymouth dealer.

THE COURT: Well now, if counsel don't object on either side, I am disposed to excuse the juror on account of the inconvenience to his employer.

MR. FLYNN: It is agreeable to the Government to excuse him.

MR. BASSETT: It is all right, sir.

THE COURT: Very well. You will be excused from this case. Next juror.

THE CLERK: Willie J. Moore. State your name, age, residence and occupation.

MR. MOORE: William James Moore; age 43, 651 Cheraton Road.

THE COURT: What is your business?

MR. MOORE: Watchman for the American Sugar

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Refinery.

THE COURT: Where do you live?

MR. MOORE: 651 Cheraton Road in Cherry Hill.

THE COURT: Married?

MR. MOORE: Yes, sir.

THE COURT: Children?

MR. MOORE: No, sir.

THE COURT: Where were you educated?

MR. MOORE: In North Carolina.

THE COURT: You are from North Carolina. How long have you been in Baltimore?

MR. MOORE: Since 1930.

THE COURT: Have you been in court all day?

MR. MOORE: Yes.

THE COURT: Have you heard the questions asked the prospective jurors?

MR. MOORE: Yes, sir.

THE COURT: Do you know anything about the case?

MR. MOORE: No, sir.

THE COURT: Have you any acquaintance with Mr. Flynn or his associates or with the defendants?

MR. MOORE: No, sir.

THE COURT: Do you know of any reason why you can not give an impartial verdict based on the law and evidence only?



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MR. MOORE: No, sir.

THE COURT: Any other questions from counsel?

MR. FLYNN: None from the Government.

MR. BUCHMAN: Do you have any opinions on the subject of Communism?

MR. MOORE: No.

MR. BUCHMAN: Have you read anything about this case at all?

MR. MOORE: No.

MR. BUCHMAN: No challenge. We accept.

MR. BASSETT: No challenge.

THE COURT: Very well, he is accepted.

Well now, the jury seems to be complete. The next procedure is for the Clerk to empanel and swear the original panel of twelve and I think the alternates are separately sworn.

The Clerk just asked whether they could be sworn altogether, all the four or the twelve. My own impression is that precise accuracy calls for the rendering of the oath to the first twelve separately and thereafter separately to the alternates. It is immaterial to me.

Does counsel have any preference one way or another?

MR. FLYNN: We have no preference.

MR. WRIGHT: No.

THE COURT: The form of the oath, will you truly give a verdict as to the case - now, of course, that does not apply to the alternates except conditionally and, for that reason, I think they ought to be really sworn separately, but, however, if there is no objection, we won't duplicate it.

Go ahead, Mr. Janne, and swear them all at once.

THE CLERK: This is only in Case 22322. Members of the Jury, each raise your right hand.

(The jury was thereupon sworn by the Clerk.)

Walker file  
Cavey 410p

F-1  
W/bl  
flws  
Cvy 4:10

THE CLERK: Count the jury.

James F. Whitescarver 1

John A. Miller 2

Edward T. Blake, Sr. 3

Winston R. Banbury 4

Adam Stanley 5

Clarence S. Brown 6

Mrs. Anna A. Crow 7

Mrs. Grace A. Silver 8

Miss Irma K. Soeder 9

G. Stanley Kranz 10

Samuel Cooper 11

Wilbert Joseph Jackson 12

And the alternate jurors:

Bernard O. Benna 13

Mrs. Edith Irene Jones 14

Maston T. Bass 15

Willie J. Moore 16

The jury is sworn, Your Honor.

THE COURT: Now, I suppose it would be more convenient to the parties and counsel to defer their opening statements until tomorrow.

MR. FLYNN: Yes, sir, I would certainly request that Your Honor permit me to make my opening statement in the morning.

w/b2

THE COURT: Very well.

Mr. Buchman.

MR. BUCHMAN: We would like to confer for a few brief minutes in connection with the opening statement.

THE COURT: Confer in respect to what?

MR. BUCHMAN: Confer with Your Honor a few moments in connection with the opening statements and a motion I had planned to file before the opening statements.

THE COURT: I do not know what you are talking about or what you are proposing to do.

MR. BUCHMAN: Perhaps if the jury could be excused, I wanted to discuss one motion and the question of opening statements.

THE COURT: Very well. I will be glad to hear whatever counsel have to say at any time that is relevant to the case. I wish to say, however, with regard to the opening statements that the purpose of an opening statement is not to argue the case, either by the Government or by the counsel for the defendants or the defendants themselves. The limited purpose of an opening statement is merely to tell the jury what the issues in the case are and to give a general account of the evidence in support of those issues which it is intended to introduce. It is not the place or time for argument, either as to the law or as to the evidence or facts.

I hope I make that plain, and I mention it particularly

W/b3

because wherever you have the prospect of a long case it is quite important in the interest of ordinary and proper expedition, and to avoid wasting time it is very desirable to keep the minds of the jury settled upon the real issue in the case, particularly the facts in the case. The matters of law, of course, come towards the end of the case, and that is more for the Court than for the jury and counsel can be heard at that time.

The jury can always determine the facts in the case after having been given instructions as to what the law is, so I hope when you make your opening statement you will endeavor to compress it into a reasonable compass as to time and will put the emphasis on facts rather than anything in the nature of an argument.

I only mention that to experienced counsel because otherwise we might have a longer duration of opening statements than would be necessary.

Now, in regard to excusing the jury, I think this is the appropriate time to do that.

Members of the jury, both the regular panel of 12 and the alternates, please bear in mind that you are not to discuss this case outside the court with anybody. Do not let anybody talk to you about the case, and I impress that upon you because if there should be even an unintentional non-conformity with that instruction it is liable to interfere

w/b4

with the progress of the case and cause confusion. It might cause the necessity for discharging the jury or particular members of the jury. Therefore, it is to be carefully avoided in this case as well as in most cases, indeed all cases, in which you sit as jurors.

I am saying that to the alternates, too., Do not discuss this case with anybody; do not let anybody talk to you about the case. Bear in mind that you should keep an open mind about the case until you have heard all the evidence on both sides and until you have heard the charge of the Court instructing you as to the law of the case and, therefore, until you retire to your jury room to consider your verdict.

You are now excused until tomorrow morning at 10:00 o'clock, and as to the remainder of the jurors after this jury has retired I will say a word about their future service.

You are excused until tomorrow morning at 10:00 o'clock

(At 4:18 p.m. the jury left the courtroom, after which the following occurred:)

THE COURT: Now, Mr. Buchman, does what you have to suggest have any relation whatever to the rest of the jury?

MR. BUCHMAN: I don't think so, Your Honor, except one question I would like to take up in chambers, although it does not make too much difference.

THE COURT: Can you state the nature of it, because I

W/b5

am quite unaware of what you are speaking about.

MR. BUCHMAN: Yes. Your Honor, I gave the defendants the privilege of reserving or opening. Now, I in this case represent the defendants, and I will ask for the additional privilege of opening for one and reserving for the other, with the Court's permission.

THE COURT: That is a very unusual request or procedure. I am not expressing any opinion about it except to say it is very unusual. Now, is there some good reason for it in this case? Who are the two you are speaking of?

MR. BUCHMAN: I represent Mr. & Mrs. Frankfeld.

THE COURT: And you wish to make an opening statement on behalf of one but not on behalf of the other?

MR. BUCHMAN: And reserve for the other.

THE COURT: Which is which?

MR. BUCHMAN: At the moment I am not in a position to make a decision. I realize it is an unusual request, Your Honor, and I am not pressing it. I would like to have it if I could, but if Your Honor feels otherwise I will not press it.

THE COURT: I am disposed to let counsel very largely determine their own course of action. If there are inconsistent defenses between the two defendants, of course, I can thoroughly understand it. Where there is no inconsistency or difference in position with respect to the attitude toward the case, or where the differences are only minor, perhaps with respect to

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W/b6

evidence, I do not quite see the reason for it. But I am disposed to let you exercise your own judgment about it. The Court has to allow counsel a very wide latitude in such matters.

Now, are there any other matters you want to call to my attention?

MR. BUCHMAN: I had a brief motion which might consume about five minutes. We might take it up in the morning.

THE COURT: You might state what it is.

MR. BUCHMAN: I want to renew the motion to suppress the evidence.

THE COURT: That I wrote about at quite some length in my opinion.

MR. BUCHMAN: Which stated the grounds.

THE COURT: Yes.

MR. BUCHMAN: I felt that you were rather indefinite as to just the exact circumstances which would prompt renewal of the motion. Under the law, as I understand it, following the selection of a jury and the proper opening statement, the renewal of that motion is proper.

Now, in this opinion you made the point that in the Coplon case the wire tapping had been suppressed. Now, we filed a motion to suppress evidence obtained through wire tapping, and we base that on certain affidavits and testimony



W/b7

of Attorney General McGrath and Mr. Hoover before a Senate Committee that evidence is obtained by means of wire tapping, plus the fact that the United States Attorney in this case did not deny the existence of wire tapping. Here you have a situation where there is conceded wire tapping and, therefore, under your own opinion, in the Coplon decision and under the facts as they exist here, we are entitled to a preliminary hearing.

That is all I have to say.

THE COURT: The motion is to suppress what?

MR. BUCHMAN: Pertaining to wire tapping, and I am asking for, first, a hearing so that we can have our subpoenas which you said you were not denying but postponing.

THE COURT: No. You can issue the subpoenas. In the opinion I wrote I indicated that you could issue them for witnesses to appear at the beginning of this trial if you wish to. I thoroughly understand, of course, that evidence obtained by the Government by virtue of wire tapping is inadmissible in a Federal criminal prosecution. There does, however, have to be evidence tending to show to the satisfaction of the Judge that such evidence as is offered was the result of wire tapping. Now, up to the present time I do not know what evidence the Government intends to produce. I do not know what part of it could be subject to the contention that it was obtained by virtue of wire tapping.

W/b8

Therefore, in the opinion I wrote I took pains to point out to you that if you wished to be prepared on that you should issue summonses for such witnesses as you desired to attend so that you could examine them to see whether there was any evidence of wire tapping with respect to the evidence that is offered by the Government. I cannot tell possibly until the Government calls a witness and seeks to ask him questions whether such evidence was obtained by wire tapping or not. If you contend that it was and you have the evidence here to show that it was, of course, I will let you put it in.

MR. BUCHMAN: Well, my position is that we have, as I say, this concession. We have also asked for subpoenas. Now, I do not know whether Your Honor indicates that we could have a preliminary hearing now or whether the occasion of such a preliminary hearing is the revelation of wire tapping in the testimony.

THE COURT: If you have your witnesses before the Court when the time comes you can issue the summonses for them and we will hear what it is. Now, until some evidence is offered by the Government which could reasonably or possibly have been the result of wire tapping --

MR. BUCHMAN: But, Your Honor, it seems to me that we have got, as far as it is possible, to go, except in accidental situations, to proving the existence of wire tapping by a concession.

W/b9

THE COURT: As I indicated to you months ago, you can have any witnesses here in Court whom you have summoned that have any bearing on the case, and if and when the Government asks the witness a question you tell me that question, you have reason to believe, was obtained as a result of wire tapping, you can call your witnesses to prove it. I cannot possibly undertake to rule in advance without knowing what evidence the Government proposes to introduce.

MR. BUCHMAN: But our feeling is that under the authorities we are entitled to determine whether leads gotten through wire tapping --

THE COURT: If that is your opinion, summon witnesses, and have them here tomorrow morning when the evidence begins.

MR. BUCHMAN: Yes, sir.

THE COURT: Now, is there anything else you wish to say?

MR. BUCHMAN: I don't know about tomorrow morning, Your Honor.

THE COURT: Well, tomorrow morning we expect to begin the trial of the case, and I think in the opinion that I wrote for your information as to the position of the Court I clearly outlined that to you, so if you wish to summon any witnesses I suggest you do it right away.

MR. FLYNN: May it please the Court, may I be heard

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W/b10

just briefly?

THE COURT: Yes.

MR. FLYNN: At the time Your Honor will recall that the summonses were issued for the Attorney General of the United States and Mr. Hoover, who was the head of the FBI, and other people who, of course, are stationed in Washington. At that time we made a motion to suppress the summonses and Your Honor granted our motion. Now, it does seem to me that these gentlemen ought to be protected to the extent at least of not having to be compelled to come over here by way of subpoena unless and until there is evidence of wire tapping. Now, I do not think the other side ought to be permitted to just promiscuously issue subpoenas to people who are in an official capacity in the Government and have them sit over here for days when I say to you that there will be no evidence of wire tapping, and my affidavit has already said that, and I respectfully submit that we should not permit subpoenas to go out promiscuously just for the purpose of harassing people and bring them into Court.

THE COURT: I am not conceding that it is done for harassing and that it is done for anything other than a bona fide desire to maintain a defense on behalf of the defendants. I am always, of course, reluctant to summon witnesses who have very important official relations with the Government and other duties, but I cannot undertake to do that. The witnesses are equally available to both parties, and if counsel for the

W/b11

defendants wish to take the opportunity of summoning witnesses from Washington they can do so. I cannot rule on those things until I know about them.

MR. BUCHMAN: Your Honor, it is now 4:30. If we wanted to issue subpoenas for tomorrow morning it will enable us to have deliberation of only one-half hour. Will it be possible to set a definite date so that we can determine who we want so that it will not be necessary to embarrass those individuals?

THE COURT: Certainly. You can have that done.

MR. BUCHMAN: The only reason that I wanted to subpoena those two officials is because they have already testified under oath.

THE COURT: That may be true, but they have not testified in this Court before as to wire tapping, and I have no judicial knowledge that they have ever done so with respect to these defendants with respect to any matter involved in this case.

MR. BUCHMAN: I simply suggested that to the Court.

THE COURT: You can make the summons returnable at such time as you wish, and it would be very desirable not to make them returnable before you actually need them. But that is a matter for you to determine, because I do not know what you hope to prove.

Now, with regard to the rest of the jury that have

W/b12

been kept here for some time, Mr. Janne, you have an announcement as to when they will be requested again.

THE CLERK: Not at this time, sir.

THE COURT: I will say to various members of the jury who are here and who have not been selected on this panel: A good many additional jurors were summoned because the Court could not know in advance of the examination today whether a large number would be needed or not. I think we have been rather expeditious in the conduct of the examination of jurors on their voir dire, and the result is that most of the jurors who were summoned to appear here today for the first time have not been required, except some of them in Judge Coleman's court in an entirely different case, and it is very probable now that we have for this March term of Court a much larger eligible list of jurors available throughout the term so that the number of days of service of each juror will be much less, because the various sections of the panel of all jurors can be rotated from time to time so that there will be less burden required from each one as to the actual amount of time to be given to service of the Government.

Now, from what Mr. Janne, the Clerk, tells me, there is no immediate necessity for any of you returning for prospective jury service for some days, and those of you who are next needed to serve on juries will be notified by the

W/b13

Clerk either by mail or by telephone probably several hours at least in advance of the time that you will be needed.

How much notice can you ordinarily give, Mr. Janne?

THE CLERK: Usually we can give about two days' notice, but there are times that we have to call them, and they ask for four.

THE COURT: If that is convenient, of course, the jurors will leave their exact mailing address, particularly telephone numbers if they have telephones, with the Clerk so that he can communicate with you promptly. There is nothing else for me to say to you except for me to thank you all for attending today. I hope that you have not found the matter so tedious that you have not learned something with respect to the matter of procedure in a case before this Court which has numerous parties and which gives some promise of being longer than most cases in this Court; even jury cases are likely to be finished within a day or two or three days.

Of course, any of you are entirely privileged, if you desire, to attend the trial of this case as members of the public, but that is purely optional with yourself.

The Clerk will now discharge you until further notice.

THE CLERK: Members of the petit jury are now excused until further notice.

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THE COURT: We will adjourn until tomorrow morning at 10:00 o'clock.

(Thereupon, at 4:30 o'clock p.m., the Court adjourned to Tuesday, March 11, 1952, at 10:00 o'clock a.m.)



I certify that the foregoing is a true and  
correct transcript of the proceedings in the above case.

Heavis J. Owen

Leroy Walker

Charles G. Covey

Official Reporters.