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SPEC. ASST. ATTORNEY GENERAL
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BALTIMORE 2, MD.

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

TRANSCRIPT OF PROCEEDINGS

Before
HON. W. CALVIN CHESNUT
Judge

Tuesday, March 25, 1952

Volume XII

(Page ¹⁸³³ to page 2018)

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

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Gross</u>	<u>Redirect</u>
George Aloysius Meyers	--	1836 (F)	1978(BU)
Dr. Herbert Aptheker	1984 (BA)		

EXHIBITS

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REGINA FRANKFELD, :

DOROTHY ROSE BLUMBERG, also known as
Dorothy Oppenheim Blumberg, and :

MAURICE LOUIS BRAVERMAN :

Baltimore, Maryland
Tuesday, March 25, 1952

The above entitled matter was resumed 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 S

For 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.

A P P E A R A N C E S (continued)

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

P R O C E E D I N G S

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(The Clerk called the names of the jury, after which the following occurred:)

THE COURT: Are you ready to proceed?

Thereupon - -

GEORGE ALOYSIUS MEYERS

the witness on the stand at the taking of the adjournment, resumed the witness stand and testified further as follows:

CROSS-EXAMINATION (continued)

Questions by Mr. Flynn.

Q Now, Mr. Meyers, when we finished yesterday, you testified that you had known Doctor Blumberg but you did not know where he was. When was the last time you saw Doctor Blumberg?

MR. BUCHMAN: I object to the question. It is completely irrelevant and immaterial.

THE COURT: I am not sure about the date. Of course, the question calls for the latest date and I don't know that he has answered that.

MR. FLYNN: He said in 1942, when he joined the Communist Party, I think Doctor Blumberg was the Chairman of the Party in Maryland. I then asked if he knew where Doctor Blumberg was now and he said no and I would like to inquire what he knows about him, how long he knew him, where he went to and anything about him on the theory, of course,

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that he has implied there is nothing secret in the Association and I think we are entitled to know that.

MR. BUCHMAN: My objection, if you wish to hear from me on the point, is that it is irrelevant to the issues and immaterial, and I do not see the purpose of it, unless it is for the purpose of harrassing the witness and, therefore, I feel it has no place in the case and is an improper question.

MR. FLYNN: I would like to know what Mr. Buchman means by harrassing the witness. I don't know why he should be harrassed by our trying to find out where Doctor Blumberg is. What harrassment is that to him?

THE COURT: I am a little puzzled both by the question and by the objection to it. Is your objection only that it takes up too much time?

MR. BUCHMAN: That, plus the immateriality to the issues in the case.

THE COURT: I can not tell whether it is material unless and until I hear further questions and answers. It may possibly develop some significance. For the moment, Mr. Flynn, I do not quite see why this witness' knowledge of the whereabouts of Doctor Blumberg, who was the Party leader here in Maryland in 1942, is quite relevant to the case. It is not within the period of the indictment. Doctor Blumber's name has not heretofore figured in the

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case particularly, so that I am just not - it is not clear to me that it has anything really to do with the issues we have.

MR. FLYNN: Except this, Your Honor: This witness spent all day yesterday on this stand testifying as to the "open and above board" of the Communist Party; everything was public, public hearing and everybody could go who had fifty cents and if you didn't have fifty cents and were unemployed, you could go, too. Everything was in the open - no secrets - nothing of the kind - and I want to know from this witness, who has been put on the stand as a person who knows all about the Communist Party in Maryland and is apparently the so-called expert here, I think this jury is entitled to know whether or not the head officer of this organization, was the head officer and then left and nobody knows anything of him, and if they do, I think we are entitled to know where he is. If he has a secret position, does anybody know where he is.

MR. BUCHMAN: I object to that statement made by the United States Attorney. Mr. Meyers already answered the question that he didn't know, and it is completely irrelevant and I object to the statement made by the United States Attorney.

THE COURT: Have you any objection other than

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at the moment it does not seem to be material?

MR. BUCHMAN: Other than that, but I think Mr. Flynn has revealed by his statement his only purpose in asking the question.

THE COURT: Do you think the answer would likely be prejudicial? I do not understand why you object.

MR. BUCHMAN: I think Mr. Flynn's only purpose is to try to compel the witness to surrender his principles.

THE COURT: Surrender his principles? What do you mean by that?

MR. BUCHMAN: He has already said he does not want to be placed in the position of informing on other people who are not parties to this case and I feel the only purpose of the question is to place Mr. Meyers in that position. In addition, I submit it is completely immaterial to the issues in the case.

THE COURT: If the witness knows where Doctor Blumberg is but declines to answer it, it does seem to have some relevance on cross-examination, but what -

MR. BUCHMAN: He already answered that question, Your Honor. I am sorry, pardon me.

THE COURT: If the witness knows but is not willing to answer, if that is in line with what he said yesterday afternoon when he was examined on some other

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question, it has some bearing on Mr. Flynn's intention on cross-examination with regard to the evidence of yesterday, with regard to the so-called openness and publicity given to the Communist Party.

The difficult thing with the question, Mr. Flynn, is this: Suppose the question were about somebody else, not a defendant in this case, not shown by the Government's evidence to have been a conspirator, according to the Government's contention, what relevance does that have to this case and to this witness' direct evidence? If, for instance, if the question were, if you knew Mr. X, who was a party in some other case and a known Communist, and what are his present whereabouts? Is he now in Bolivia, Czechoslovakia or Russia or Spain, what relevance does that have to the case, where any particular heretofore known Communist is at the present time? Does that matter in this case?

MR. FLYNN: It would not matter so much now, except that in the case we have here, we have a man who was the head of the Party in Maryland.

THE COURT: He was.

MR. FLYNN: He was the head of the Department in Maryland and we had testimony from this witness yesterday about the great democratic principles of this Party, how they elect people by open ballot, no secrets, but they

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are elected by democratic principles and methods and what-not.

Now, I think we are titled to know from this witness whether or not the man who was the head of the Party in Maryland, who has been elected by democratic principles, is now being elected by democratic principles some place else or where he is. If he is in the United States, is he still in the Party.

I think that is germane and I think it is an important thing in this case.

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THE COURT: For the moment I do not see the relevancy of it, and I sustain the objection. It may be further questions will make it material.

Q (By Mr. Flynn) Now, Mr. Meyers, you said when you went into the Army -- What year was it, 1943, was it?

A January.

Q And you were inducted into the Army, weren't you, at Cumberland?

A That is correct.

Q You said you went into the Army, and after you got in you were no longer a member of the Communist Party because you had been relieved of that position by the party?

A Yes.

Q Can you tell His Honor and the ladies and gentlemen of the jury just what process you went through with the Communist Party that would relieve you of membership while you were in the Army?

MR. BRAVERMAN: I object, Your Honor.

THE COURT: Overruled.

MR. BRAVERMAN: May I state the basis for my objection?

THE COURT: Yes.

MR. BRAVERMAN: Your Honor, I would like to know from Mr. Flynn if he is trying to impeach his own witness?

MR. FLYNN: My own witness?

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MR. BRAVERMAN: There is testimony from one of the Government's witnesses.

THE COURT: Mr. Braverman, if that is the ground of your objection, the objection is overruled. I do not want to cut you off from fully stating it, but I want to save time to avoid the unnecessary waste of time.

MR. BRAVERMAN: The testimony was in contradiction to the testimony of Mr. Lautner, and the direction of the cross examination is directed to try to contradict the Government's own witness, Lautner.

THE COURT: Of course, that is not quite a proper basis for your objection to the question. The question was directed to this witness, and the suggestion it impeaches some other witness is quite untenable as a rule of evidence.

The objection is overruled. Go ahead, Mr. Flynn.

Q (By Mr. Flynn) Will you answer the question?

A Yes. The National Committee discussed this question, and it was decided in the party that any Communist going into the Army, Navy, Waves, and so on, would be released from the party and all party obligations for the period of service, because it was impossible to attend meetings, and so on, during that time.

Q Then the only reason was because you couldn't attend meetings?

A Yes, because you couldn't function as a party

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member.

Q You couldn't function as a party member. Do you mean to say restrictions on a man in the Armed Services were such he couldn't act as a Communist or function as a party member, as you put it?

A He couldn't go to meetings. In the Army, you had one job. That was being a soldier. And that was our approach to the question of Communists in the Army, be the best soldier possible.

Q You say that the National Committee relieved everyone who went into the Armed Services, whether they were inducted into the Armed Services, of being Communists because they couldn't attend meetings?

A That was one of the reasons.

Q What are the other reasons?

A Because we were soldiers, and that was our job, not anything else. When I went into the Army, I no longer functioned as a member of the union or any other organization.

Q Did you leave the union, lose membership in the union while you were in the Army?

A No.

Q You didn't? Did you lose membership in any other organization while you were in the Army?

A No.

Q Why is it necessary -- I won't question you any

further if you haven't any further reasons. Why was it necessary to relieve you of membership in the Communist Party while you were in the United States Army?

MR. BRAVERMAN: I object to the question, and I object to the characterization of the "United States Army," and move it be stricken.

THE COURT: The only objection to the question I can see is that Mr. Flynn put in "further." He can substitute "other." You can revise the question if you wish.

Q (By Mr. Flynn) Have you any other reason that the national body would have any other reason for relieving you of membership? Will you answer that?

A The primary reason is, that the party used, any Communists going into the Armed Services had one job, to be soldiers, sailors, marines, whatever it was, and had no responsibility as far as the Communist Party was concerned. I was relieved of all responsibilities. When I came back from the Army, I re-registered in the party.

Q Isn't it a fact the Communist Party didn't want you to be a member because they didn't want anybody to know there were Communists in the Army?

A No.

MR. BRAVERMAN: I object to that.

THE COURT: Objection overruled.

A No. It is no such fact. There were plenty of

Communists, well known party leaders, went to the Army.

Q Who were they?

A It is a matter of record.

Q Who were they?

A Well, Mr. Flynn, again, Your Honor, Ladies and Gentlemen of the Jury, this question strikes a pretty deep note in me. Anybody that is familiar with the history of the labor movement, the history of any people that fought against depression knows that this business of naming names does not go down so well.

Now, as I explained earlier in my testimony, my people fought, some of them, for the freedom of Ireland, and there they developed a word called "informer." That is a curse word as far as the Irish are concerned to this day. And so did these informers also concoct stories, name names. In the labor movement, it was my experience --

THE COURT: That will do.

A I would like to explain a little further.

THE COURT: No. I think the answer is irrelevant. Another question, please.

Q (By Mr. Flynn) My question to you, Mr. Meyers, is this, you said that there were well known Communists in the Army. You have also said that you were relieved of being a Communist when you went into the Army.

A I said there was well known Communists who went into

the Army.

Q Who went into the Army. Were they Communists while they were in the Army?

A They were not.

Q They were not? How do you know that?

A Because this decision covered every member of the party who went into the Army.

Q When you came back from the Army, you say you re-registered. What did you do when you came back to the Communist Party?

A I re-registered.

Q You did? Where?

A In Cumberland.

Q Who with?

A It is the same answer.

Q Who?

A It is the same answer I gave on this other question.

MR. BRAVERMAN: I object. I don't think it is material to whom he paid dues.

MR. FLYNN: I think it is very material who they paid dues to. I think it is very material to this case to know who are the officers and functionaries of the party.

THE COURT: That question, I think, is entirely proper, if it is directed to the ascertainment of who are the functionaries, and so on. Of course, the question is a little

off the line. Mr. stenographer, will you read me the question

(Pending question was read.)

THE COURT: What is your objection to answering that?

A Your Honor, it goes against my grain to name people in this Court, or any other place. And I do not make the statement out of a disrespectful attitude to the Court. But it goes against my grain to name people in this Court so they will be subjected to persecution.

THE COURT: What persecution do you have in mind? What persecution do you have in mind?

A Well, we can read the papers, people named as Communists discharged from their jobs?

THE COURT: Is that persecution of anybody, merely because they are named as Communists?

A They get fired from their jobs for that purpose. It seems to me it would be persecution.

THE COURT: That is your position in refusing to name anybody whom you are asked about who may be thought by Mr. Flynn in connection with this case to be Communists, because they are subject to persecution when their name is known? Is that your position?

A My position is, it goes against my grain to name anybody like that.

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THE COURT: Of course, as a witness you do not have the privilege of taking the position that it goes against the grain. That simply means that you do not wish to answer the question; but as I indicated yesterday I do not wish to require you as a witness to answer it unless it is material. If it seems to me to be material you certainly have to answer it as a witness whether it goes against the grain or not because we are engaged in a trial of an important case, important to you and also important to the Government of the United States.

Now, Mr. Flynn, ask your question again.

By Mr. Flynn:

Q Whom did you register with in the Communist Party when you got back to Cumberland from the army?

MR. BRAVERMAN: Objection, Your Honor.

THE COURT: The objection is overruled.

MR. BRAVERMAN: Will Your Honor hear me on it?

THE COURT: No.

THE WITNESS: Your Honor, gentlemen of the jury, Mr. Flynn, I again repeat that I am not here to name members of the Party who are not public figures in the Party. It is against anything that I have ever been taught, everything I have ever learned in the labor movement.

I can just repeat it goes against my grain. It is not in me.

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Q (BY MR. FLYNN) Well, now, as a matter of fact, you say it goes against the grain. Isn't it a fact that they are your orders from your Party not to reveal any names?

A That is wrong.

Q Why do you say it is wrong?

A It is my own decision.

Q It is your own decision?

A Yes.

Q Are you sure of that?

A Sure I am.

Q You were never told to never divulge the names of Communists in a Court of law?

A I didn't say that. I was never taught.

Q Have you ever been so told?

A I say I was never so told.

Q When did you reregister in the Communist Party in Cumberland when you came back?

A In the early part of 1946.

Q 1946?

A Yes.

Q Did you go back to your job with Celanese?

A Yes.

Q Did you make application for your position when you came back?

A Yes, I applied for the position when I came back.

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I had a leave of absence.

Q Didn't you make your application for reinstatement to get your job back at Celanese?

A Probably did; I don't remember.

Q As a matter of fact, when you came back didn't you deny you were a member of the Communist Party?

A Deny I was a member?

Q Yes.

A I have no knowledge of denying it. I have no knowledge of being asked it.

Q Do you say you did or didn't?

A I don't remember.

THE COURT: Think about it a moment.

THE WITNESS: Your Honor, I have no recollection of having questions of that kind.

(Mr. Flynn handed paper to counsel for the defendants and then handed paper to the witness.)

Q (BY MR. FLYNN) I show you this photostatic copy of an application and ask you whether that is your signature on the bottom of it?

A What application is that? That is my signature.

Q Yes. Is that your handwriting all the way through with the exception of this top date, which obviously is the date you went back?

A 7-25-30.

Q Yes.

A No, that has no relation to me. I didn't go back there to work until '33.

Q That is the date you went back there, isn't it, '46?

A About that date, yes.

Q That is your signature, isn't it?

A It looks like it.

Q That is all made out in your handwriting? I want to call your attention to the place here where it says "GAB" which obviously is the German American Bund where you said "no" in answer.

MR. BUCHMAN: I object to that question. I don't see where it is so obvious.

MR. FLYNN: He is familiar with it. It is obvious. That is in his writing, and right at the bottom of it is "CP" which means the Communist Party and you got "no" written there.

Q (BY MR. FLYNN) Is that true?

MR. BRAVERMAN: Let me see that again.

MR. FLYNN: Wait. I will give you a copy.

MR. BUCHMAN: I object to the question and move to strike out the answers.

THE WITNESS: This is a reapplication to get my job back.

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Q (BY MR. FLYNN) To get your job back after you got out of the army?

A Yes.

MR. BUCHMAN: I object to the evidence and this document being introduced and Mr. Flynn's interpretation of "GAB" and "CP." There is nothing to indicate what it means.

THE COURT: There is no question before the Court at the moment.

MR. BUCHMAN: I object to the question and move to strike out the answers.

THE COURT: The objection is overruled to strike out anything that is relevant in this connection. You may proceed to the next question.

Q (BY MR. FLYNN) You put no to each one of these places there, didn't you?

A That's right.

Q Why did you put "no" there?

A Well, I don't remember filling this out. I filled it.

Q Is that in your handwriting?

A Yes, I filled it out, but whether this was the place here or not, I don't remember.

Q Let me call your attention to something down here "Fraternal Organizations". What was your answer to that?

A "Eagles".

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Q What is above "Eagles"?

A "Knights of Columbus".

Q Were you a member of the Knights of Columbus when you went back to Cumberland to work there?

A No, I was not.

Q Why did you put that in your application?

A I don't know. I don't know why I put it there.

MR. FLYNN: I offer it in evidence, Your Honor.

MR. BUCHMAN: I object to its admission, Your Honor.

THE COURT: Let me look at it.

Which line is it you are referring to, Mr. Flynn, here?

MR. FLYNN: This line (indicating).

THE COURT: I have a photostatic copy before me. Now, would you please call my attention to the particular questions and answers you refer to?

MR. FLYNN: Along the line where it says "Place of birth" and he has "Lonaconing, Maryland" and "County, Allegany."

Then right over at the end is "GAB", and the answer is "No", the German American Bund.

THE COURT: Do you happen to have something other than a photostat? The photostat is very difficult to read.

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MR. FLYNN: Unfortunately I do not, sir.

THE COURT: Well, now, what line is it you are referring to there?

MR. FLYNN: It is the fourth line from the top, where it has "G.A.B." which refers to the German American Band.

MR. BUCHMAN: I object to Mr. Flynn's interpretation. I don't know what it means. There is nothing there.

MR. FLYNN: Your witness answered it, and he has "no."

Then underneath there is "C.P." and the answer is "No."

THE COURT: I do not pick out the place you refer to and I do not know whether the jury can quickly see it.

(Mr. Flynn indicated on the paper to the Court.)

THE COURT: I see. Yes, I was looking at the wrong place, apparently.

Now, this application, I understand the witness says was signed by him.

MR. FLYNN: Yes.

THE COURT: And the date is 3-5/46?

MR. FLYNN: Yes, sir.

THE COURT: And the phone, it looks like "phone."

MR. FLYNN: Phone, yes, 173R.

THE COURT: 173R. Place of birth, Lonsaoning,

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Maryland, Allegany County, G.A.B. Is that answer "Yes" or
"No"?

MR. FLYNN: No, no.

THE COURT: No?

MR. FLYNN: Yes.

THE COURT: Then the next line in the larger box
is headed "Personal, physical, home life, military service,
education, social interests," and what next are you referring
to?

MR. FLYNN: That is the line down, one, two, three,
four, and then it has "Clubs" and then "Teams".

THE COURT: Just a minute while I look at it.
Is that "college" you mean?

MR. FLYNN: No, sir, the next one under "social
interests".

THE COURT: I see.

MR. FLYNN: The last one.

THE COURT: Yes. "Clubs, teams," and "Fraternal"
-- what is it?

MR. FLYNN: "Fraternal Organizations."

THE COURT: Yes.

MR. FLYNN: "K. dash C." which he stated was the
Knights of Columbus.

THE COURT: Yes.

MR. FLYNN: And under that is written "Eagles."

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THE COURT: Yes.

MR. BUCHMAN: Just a minute. The witness didn't say that. Mr. Flynn asked a leading question.

THE COURT: Organizations, then new organizations.

MR. FLYNN: Yes, and none, and then hobbies, none, and then blank.

THE COURT: Well, I am not sure where the word "None" is written.

MR. FLYNN: No, sir, it is blank.

THE COURT: Blank?

MR. FLYNN: Blank, no answer.

THE COURT: Well, didn't you say something about Communist?

MR. FLYNN: Yes, sir, "C.P." at the top, which stands for Communist Party.

MR. BUCHMAN: I object to that question.

MR. FLYNN: And the answer is "No."

THE COURT: It is your interpretation that the "C.P." stands for Communist Party?

MR. FLYNN: Yes.

THE COURT: And the answer is "No."

Where do I find that?

MR. FLYNN: Answer "No."

THE COURT: Yes. Where do I find "C.P."? Where is that. I do not see it here.

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(Mr. Flynn indicated to the Court.)

THE COURT: Oh, that is entirely different, in a different place?

MR. FLYNN: Yes.

THE COURT: What is the very fine print preceding the numbers there? In the first place, what are the numbers?

MR. FLYNN: Well, sir, that is Capital, Social Security number, 216-07-2758.

THE COURT: What is "C.P."? That is in print?

MR. FLYNN: Printed, yes, and he answered in his handwriting "No."

MR. BUCHMAN: I object to that characterization.

THE COURT: You say that the "No" is in his handwriting?

MR. FLYNN: Yes, he said it is in his handwriting.

THE WITNESS: I said my signature is in my --

Q (BY MR. FLYNN) You said the whole thing was in your handwriting.

THE WITNESS: I said the signature.

THE COURT: Just a minute.

THE WITNESS: It is printed, and if the jury will look at it --

THE COURT: Just a minute, Mr. Meyers.

THE WITNESS: Well --

THE COURT: Is the signature yours or not?

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THE WITNESS: If it is not it is a very close facinilia.

THE COURT: Well, do you suggest --

(Laughter)

THE CLERK: Silence.

THE BAILIFF: Silence.

THE COURT: Well, do you question it?

THE WITNESS: I don't question it. It looks very much like mine.

THE COURT: Now, did you sign it in blank or did you sign it at the time you filled it out?

THE WITNESS: I don't really remember. I imagine at least it was partially filled out. Some of these questions were never answered, and some they were.

THE COURT: Well now --

THE WITNESS: If you look at it, if you see the question "No" that "No" is not printed like like "Allegany." It does not look like it. There is a difference in the type, in the print, and if you look at it, Mr. Flynn, I will show it to you.

THE COURT: Just a minute.

THE WITNESS: There is a difference in the printing between the two "Nos" and the "Allegany", an entirely different form of writing.

MR. BUCHMAN: Mr. Meyers, the Court wants to ask

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you a question.

THE COURT: I want to ask you whether you signed this, did you sign this in blank or not?

THE WITNESS: In blank, I don't remember signing it in blank, Your Honor. I don't have a close recollection. Some of these were filled out because I can tell from my print.

THE COURT: The next question is whether the word "No" there preceding the word "C.P." did you sign it?

THE WITNESS: I don't remember, but there is a difference in the print, and it is obvious to anybody looking at it.

THE COURT: Do you know what the "C.P." means there?

THE WITNESS: I don't -- it could have the same meaning Mr. Flynn said it had.

THE COURT: That is Communist Party?

THE WITNESS: It could have, yes.

THE COURT: Mr. Flynn was asking you, and I suppose you were aware that the Celanese Corporation was inquiring whether you were a member of the Communist Party.

THE WITNESS: I am not certain of that, sir. I have no --

THE COURT: Well, you signed it, you mean, not caring whether your answers were proper answers or not.

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THE WITNESS: There is a number of places, the questions which haven't been filled out.

THE COURT: I have asked questions I thought were material to qualify it, to make it relevant or irrelevant, or admissible or not.

You offer it in evidence?

MR. FLYNN: Yes.

THE COURT: It is admitted in evidence.

MR. BUCHMAN: I want to state my objection. There is no authentication to the document. No one is here from the company. And I don't know whether the answers or how they were made, and there is no opportunity for cross-examination, and I object to the admission of the document and I object to the questions before the document is already in evidence.

THE COURT: The ruling is that document is admitted in evidence and that the grounds of the objection that you have stated are untenable as applied to this paper. He has admitted it was his signature on the paper.

(Application of Employment with Celanese Corporation was marked Government's Exhibit 53.)

THE COURT: What is the number of that exhibit?

THE CLERK: 53, sir.

Q (BY MR. FLYNN) Now, Mr. Meyers, while you were in the army did you attend any Communist meetings?

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A Not to my knowledge.

Q You don't know whether you did or not?

A Communist Party meetings, no.

Q When you got back to Cumberland you got your position back, or before you got your position back, did you join the Textile Club?

A No, it was a little later than that.

Q When did you join the Textile Club?

A I don't know the exact date.

THE COURT: What kind of Club is this?

MR. FLYNN: The Textile Club.

Q (BY MR. FLYNN) Just what was the Textile Club?

MR. BUCHMAN: I object. I think we are going beyond the direct examination. Mr. Meyers did not testify to that.

MR. FLYNN: He certainly did testify to that.

THE COURT: I think that is what he referred to on direct examination.

MR. BUCHMAN: I am sorry.

THE WITNESS: The Textile Club consisted of Communist Party members and textile workers.

Q (BY MR. FLYNN) Communist Party members?

A Yes, and textile workers.

Q Was that only for Allegany County ?

A Yes.

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10:35

Q So it was located in Allegany County and was not in any other part of the country or any other part of the district?

A No, not this Club, no.

Q Did this Club have any particular number or designation as the Textile Club of Allegany County or anything of that kind?

A We called it the Textile Club.

Q Was it entirely devoted to members employed by Celanese?

A That's right, there were no other Textile members of our party.

Q Then it was a Communist Club in a Textile Plant, is that true?

A It was a Communist Club of Textile workers, yes.

Q In the Celanese Plant?

A If we could have recruited them in other Textile Mills, they could belong to the Club.

Q Where did this Club meet?

MR. BUCHMAN: I object to the question as immaterial.

THE COURT: Overruled.

THE WITNESS: I give the same answer I gave to the previous questions when you asked who.

Q (BY MR. FLYNN) Let's go over it again. Did the

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Textile Club meet in the Celanese Plant?

A No.

Q It did not?

A No.

Q Who were the officers of the Celanese Club?

MR. BUCHMAN: I object as being immaterial and irrelevant.

THE COURT: What do you think to be the relevancy of it, Mr. Flynn?

MR. FLYNN: To show the organization of the Communist Party in this State, in the district. Here is a man that testified that here is a Club, a Textile Club, made up of Communist members, all of whom were employed by one particular plant and I think this jury is entitled to know who the members were and what kind of organization it was, definitely Communistic, what the purpose of it was.

THE COURT: I do not see the importance or materiality of this for the moment.

Q (BY MR. FLYNN) In the fall of 1947, you went to the National Training School of the Communist Party, didn't you?

A That's correct.

Q How long had you been back from the service then?

A I had been back since January 1946.

Q So it was a little over a year after you came

back?

A A year and a half or a year and nine months.

Q Where was this school?

A In New York City.

Q How were you selected to go to that school? Why were you selected and who selected you?

A I indicated I would like to have an opportunity to study further, and when the school was organized, this district was given an allocation of two people to be sent to the school and I was selected along with Miss Elsie Smith by the District Committee to go to this school.

Q Was there any particular reason why you were selected over anyone else? Was there an examination or just why were you selected?

A I told them I would like to go to such a school, I would like to study further.

Q How many students were at that school?

A I don't know approximately. I don't know exactly.

Q Weren't there students from all over the country there?

A I don't know about all over the country; different parts of the country, yes.

THE COURT: Was this the school the witness Long referred to?

MR. FLYNN: Yes, sir.

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THE COURT: Very well.

Q (BY MR. FLYNN) Now, then, when you went to that school, were you still employed by the Celanese Plant?

A No, I had resigned.

Q Were you then a functionary of the Communist Party?

A No.

Q Were you employed by anyone at that time?

A No, I was unemployed.

Q Did the Party pay you a salary while you were at the school?

A No.

Q Did they pay you anything at all?

A I don't -- I got withdrawal pay from the company, amounting to several hundred dollars. I may have gotten enough for meals.

Q Well, now, did they have you -- did you live at the school?

A No.

Q Did you live in a hotel while you were there?

A No, I stayed at an apartment.

Q An apartment? Was the ^{apartment} provided by the Communist Party?

A No.

Q Who paid the apartment rent?

A I did.

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Q Did they reimburse you for it?

A No.

Q They did not?

A No.

Q You went to the school in the fall of 1947. How long was the school to be in session, what length of time?

A All I know, it was a Party School and gave us some of the things to study. I don't know the exact time.

Q Don't you know, Mr. Meyers, when you went there that the school was to be for a certain length of time and you knew all about that curriculum and all before you went to the school?

A I knew of some of the things that we were to study, but the length of the time, no, I didn't know. I know it was for a comparatively short length of time but that's all.

Q You just gave up your position with Celanese and went all through a school in New York and didn't know how long it was to last or anything more about it than that?

A I knew it was to last for a short period of time.

Q When you say a short period, what do you mean?

A A couple months. I did not know.

Q Didn't you know the school was to last for several months but was stopped in the middle of its course for some reason that has not been explained, even to you probably?

A It lasted six weeks and at that time we had

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completed the subjects we were studying. We were not in the middle of any subjects.

Q What subjects were you studying?

A We studied political economy and historical materialism.

Q Is that all?

A We had lectures on a number of other subjects, but they were the main things we studied.

Q Who were the teachers?

A Well, Mr. George Siskin was one of the principal teachers. He is a well-known and highly honored educator in the Communist Party. The other teachers, I have to state that I do not wish to answer on the grounds that I stated before, that I am not here to name names.

Q Why do you pick out one man and won't give the names of the others?

A Because Mr. Siskin is a highly and well-known educator in the Communist Party.

Q And the others are not highly honored in the Party, is that what you mean?

A No, I think you could ask the question in another way.

Q Was H.I. Gordon one of the teachers?

A As I stated, I am not here to name names.

Q What books did you use in that school?

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A Well, we used some of the books -- I don't remember them all, "Capital", we studied from "Capital", and we studied from, I think we used Homer's "History of the American Labor Movement." We studied from a number of the Marxist classics.

Q A number of the Marxist classics. Did you use the Communist Manifesto?

A Yes.

Q How about the "State and Revolution?"

A I am not sure. I don't think so, but I am not sure.

Q "The Problems of Leninism"?

A Probably. I don't have any record of it. I can give you from memory just about.

Q Well, now, you were pretty good on direct examination --

MR. BUCHMAN: I object to that question and move that it be stricken out, the characterization by Mr. Flynn.

THE WITNESS: On the program of the Party, I know what the program is. That is what I was brought as a witness to testify to.

THE COURT: You do not want a ruling to the question?

MR. BUCHMAN: Yes, we want a ruling.

THE COURT: Gentlemen of the jury, it is for you

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to determine whether the answers of the witness are correctly and definitely stated on direct examination and cross-examination. The Court makes no comment about that. The question put by the United States Attorney should be put in that way. For that reason, I sustain the objection.

Q (BY MR. FLYNN) Did you use the program of the Communist International?

A No, I have never used that in my Party life.

Q How about the History of the Communist Party in the Soviet Union?

A We probably used at least parts of it, probably, certain chapters of it.

Q Only certain chapters?

A Yes, I would say yes.

Q How about the "Foundations of Leninism"?

A Probably, but I am not certain. Most of the studying was done from "Capital" in the first subject.

Q I show you Government's Exhibit 4, the "Communist Manifesto." Is that a book you used there at the school?

A Yes, we read this book.

Q Who taught from that book?

A It was used in our studies. I am not sure whether it was taught from or whether -- the way the school operated was that some books were used directly and other books were read from for background material. I am not certain just

now whether this book was used, but it was used in the school.

Q I want to read the last few sentences of this book.

THE COURT: What page?

MR. FLYNN: On page 44:

"In short, the Communists everywhere support every revolutionary movement against the existing social and political order of things.

"In all these movements they bring to the front, as the leading question in each case, the property question, no matter what its degree of development at the time.

"Finally, they labour everywhere for the union and agreement of the democratic parties of all countries.

"The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win.

"Working men of all countries, unite".

That is what you studied at this school?

A No, I will tell you what I studied, if you like. We studied this book in its proper historical content. We

were taught at the time it was written that the only country in Europe except England was under autocratic government. We were taught also that this was the very beginning of scientific Marxism and literature and it has been revised and changed according to conditions from that time on. After all, it was written 103 years ago.

Q But you were studying it just a few years ago?

A Yes, I studied the history of Ireland too, but we don't have today some of the things the people there were fighting for against the oppression of a minority of British rulers.

Q You have studied "State and Revolution", haven't you?

A No, I don't think so. We may have, but I don't have any knowledge of it.

Q "Problems of Leninism"?

A I don't think that came in that class but I may have read it.

Q You did read it?

A I may have.

Q This is Government's Exhibit 6. You say you have read it?

A I have read it, yes.

Q Let me ask you something about this book, if you will.

MR. BRAVERMAN: Is Mr. Flynn conducting a lecture to see how much Mr. Meyers can memorize of these books?

MR. FLYNN: I hope so.

MR. BRAVERMAN: Mr. Meyers testified that he read from certain books and studied certain books and I don't see the relevancy of this question.

THE COURT: I think it is entirely relevant and is in line with cross-examination in relation to the direct examination. The witness yesterday very definitely said that the Party did not advocate or teach the overthrow of government and here are extracts which Mr. Flynn is calling to the witness' attention, which the jury may possibly think to be to the contrary.

Q (BY MR. FLYNN) This book was used in Maryland, wasn't it, sold in your book store?

A It is read everywhere.

Q It is sold today, isn't it?

A Yes, it is a historic document.

Q And used by the Party up to the present time, is it?

A Not only used by the Party but by anybody that wants to read it. It does not belong solely to the Party.

Q I want to read from page 19.

MR. BUCHMAN: If this has already been read into

the record, I object to its being reread.

THE COURT: Overruled.

Q (BY MR. FLYNN) At the bottom of page 19 it says:

"Such is the inner character and the basic idea of the proletarian revolution.

"Can such a radical transformation of the old bourgeoisie system of society be achieved without a violent revolution, without the dictatorship of the proletariat?

"Obviously not. To think that such a revolution can be carried out peacefully within the framework of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things. It means either madness, and the loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution.

"It is necessary to insist on this all the more strongly, all the more categorically, since we are dealing with the proletarian revolution which has for the time being triumphed in only one country, a country surrounded by hostile capitalist countries, a country the bourgeoisie of which cannot fail to receive the support of international capital.

"That is why Lenin states that 'the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction

of the apparatus of state power, which was created by the ruling class.' (Collected Works, Volume 21, Book 2, page 155. Also State and Revolution, Little Lenin Library, page 9)."

THE COURT: What is your question to the witness about this paragraph?

MR. FLYNN: I asked whether or not that was taught to him in that school and if he has read it since or if he has taught it at any time.

THE WITNESS: Ladies and gentlemen of the jury and Your Honor, in order for me to give an answer to such a question, it is necessary for me to look through the book. I have not memorized it. I have to see in which form it was presented.

THE COURT: I sustain the objection to the question as put. I think a proper question would be in substitution therefor, is the statement which has been read to you from this book which has been described, is that consistent with your statement that the Communist Party has never advocated the use of force and violence to accomplish the revolution? Can you answer that question yes or no?

THE WITNESS: I cannot answer that yes or no, Your Honor. I can explain it.

MR. BUCHMAN: I think the witness should be permitted to make a full answer.

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THE COURT: If he wishes to explain why he cannot answer yes or no, he may do so.

MR. BUCHMAN: Very well.

THE WITNESS: I am not too familiar with what you have read there, Mr. Flynn. What that obviously deals with is a writing in the early period of the establishment of the Soviet Union. Some of it are excerpts from "State and Revolution" and I think I have to read the thing over right. It has to do with the establishment of socialism in the Soviet Union. It deals with the fact, a well-known fact, that the Soviet Union was attacked from a number of angles, a number of different directions, in that early period.

THE COURT: If that answers it, go ahead with your next question, Mr. Flynn.

THE WITNESS: That was the time in which it was written.

Q (BY MR. FLYNN) Let me read just one more on the following page, page 21. That stopped on page 20.

"Here is the most general definition of the dictatorship of the proletariat, given by Lenin:

"The dictatorship of the proletariat is not the end of the class struggle but its continuation in new forms."

THE WITNESS: That is correct.

MR. FLYNN: "The dictatorship of the proletariat

is the class struggle of the proletariat which has achieved victory and has seized political power against the bourgeoisie which has been defeated but not annihilated, which has not disappeared, which has not ceased its resistance, which has increased its resistance."

THE WITNESS: That is correct.

MR. FLYNN: "Replying to those who confuse the dictatorship of the proletariat with 'popular' 'elected' and 'non-class' government, Lenin states:

"The class which has seized political power has done so conscious of the fact that it has seized power alone. This is implicit in the concept of the dictatorship of the proletariat. The concept has meaning only when one class knows that it alone takes political power into its own hands, and does not deceive either itself or others by talk about popular, elected government, sanctified by the whole people.' (Collected works, Volume 26, page 286, Russian Edition.)"

How about that statement of Lenin? You assented to part of this. Do you assent to the rest of that quotation from Lenin?

A I think that the definition given there in capsule form of the meaning of the dictatorship of the proletariat is correct. It means that the majority of the people, the working class are the majority and that the minority, the

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big businessmen, submit to the will of the majority.

Q How about this portion:

"This concept has meaning only when one class knows that it alone takes political power into its own hands --"

A That is right.

Q "And does not deceive itself or others by talk about popular, elected government, sanctified by the whole people". How about that portion, is that right, too?

A It is correct, that under the dictatorship of the proletariat, the working class, the farmers, the small businessmen, run the country. That is what our aims are today instead of when big business runs it.

Q Well, you have been telling us about these democratic processes, these elections you have been referring to.

A We think that is the best way to bring about peaceful, the establishment of socialism in this country.

Q The best way?

A That is our idea.

Q Lenin's idea was to the contrary, wasn't it?

A I don't see that there.

Q You don't?

A No.

Q I will leave that to the jury.

A He is dealing with a period when the working class

had already come into the head of the people in the Soviet Union.

Q Now, then, I will quote one more thing here:

"This special form of alliance lies in the fact that the leading force of this alliance is the proletariat, that the leader in the state, the leader within the system of the dictatorship of the proletariat is a single party, the party of the proletariat, the party of the Communists, which does not and cannot share that leadership with other parties." Is that correct? Do you agree with that?

A Let's see the book.

Q What?

A Let's see the book. It may be like that two "no's" in there. I want to read it. Where are the points you were reading?

Q Here.

A If you read further, he explains what I have been saying: "The dictatorship of the proletariat is a special form of class alliance between the proletariat, the vanguard of the toilers, and the numerous non-proletarian strata of toilers (the petty bourgeoisie, the small masters, the peasantry, the intelligencia, et cetera)." This is what the dictatorship of the proletariat means to the majority of people.

Q And not by election?

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A Not by election? Where does it say that? I don't see that. This is where he is dealing with the way in which socialism was being established in the Soviet Union. This does not deal with socialism in America. There is no blueprint here and I have been saying that now for a day.

Q If that is not the way it will come to America, why do you teach out of these books and urge people to read them if that is not the way it will be done?

A These are Marxist classics written by Marxist writers over a period of years, dealing with the problems of the time.

Q Do you recommend any classics to the American people to read?

A Yes, the books of Dreiser, the works of Jefferson and Lincoln, we have a number of books written on the abolitionist movement and on the trade unions movement.

Q Do you agree with what is in that book?

A I agree with the way it is written, yes.

Q Now, I want to show you the History of the Communist Party of the Soviet Union. That book is well used even today and you have sold many copies of it?

A Like the rest, we sell them if people want to buy them.

Q Haven't there been special drives on this particular book because they urged you to sell quantities of the Communist

Party's history?

A They urged?

Q Yes.

A I don't know who you mean by they.

Q The Party?

A Yes, we sell our literature as much as we can.

Q Isn't it true that a great number of times this has been circulated free of charge in order to get it into the hands of the people?

A Yes, we have done that with the History of the Communist Party in the Soviet Union and other Marx classics, all Marx classics, for that matter, we try to get the stuff out.

Q Why?

A So people will see what we believe in and what the history of Marxism has been and how it has developed.

Q But on page 9 --

A You see, I don't get --

Q Go ahead.

A You go ahead. You talk about secrecy and then talk about us getting it around.

Q "Marx and Engels taught the proletariat to be conscious of its own strength, to be conscious of its class interests and to unite for a determined struggle against the bourgeoisie. Marx and Engels discovered the laws of develop-

ment of capitalist society and proved scientifically that the development of capitalist society, and the class struggle going on within it, must inevitably lead to the fall of capitalism, to the victory of the proletariat, to the dictatorship of the proletariat.

"Marx and Engels taught that it was impossible to get rid of the power of capital and to convert capitalist property into public property by peaceful means, and that the working class could achieve this only by revolutionary violence against the bourgeoisie, by a proletarian revolution, by establishing its own political rule -- the dictatorship of the proletariat -- which must crush the resistance of the exploiters and create a new, classless, Communist society.

"Marx and Engels taught that the industrial proletariat is the most revolutionary and therefore the most advanced class in capitalist society, and that only a class like the proletariat could rally around itself all the forces discontented with capitalism and lead them in the storming of capitalism. But in order to vanquish the old guard and create a new, classless society, the proletariat must have its own working class Party, which Marx and Engels called the Communist Party."

Do you agree with that statement?

A Let's see the book. What this chapter deals with

is the development of socialism in Russia from 1893 to 1901. It is interesting to note under the paragraphs here, it says in support of this history:

"The secret Narodnik Society known as 'Narodnaya Volya' began to plot the assassination of the Tsar. On March 1, 1881 members of the Narodnaya Volya succeeded in killing Tsar Alexander II with a bomb. But the people did not benefit from this in any way."

THE COURT: The question here is, do you agree with the statements that Mr. Flynn read?

THE WITNESS: As they are in this book?

THE COURT: Yes.

THE WITNESS: It is here, yes.

THE COURT: That is the answer to the question.

Go ahead, Mr. Flynn.

Q (BY MR. FLYNN) If you agree with the statements in this book, why do you say they are not the policy of the Party today?

A You mean if I agree with the statements in the book? You say, with the statements in the book?

THE COURT: Have you finished your answer?

THE WITNESS: I will show you the answer. Let me have the book.

THE COURT: That is not the question.

THE WITNESS: I know the question. It was in-

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correctly framed. It said, do you agree or if you agree with these things and I will read from the book and will read the exact thing in the book, you are talking about reading books.

MR. BUCHMAN: Here is a copy.

MR. FLYNN: What page is it on?

THE WITNESS: In the book, in the back some place.

MR. FLYNN: Do you have the page? We don't want to be here all day while you look for it.

THE WITNESS: Marxism is a science and like any other science, it moves forward to meet changes that happen in society and economic situations do change and political situations change, and here I will read what it says on page 355:

"Mastering the Marxist-Leninist theory does not at all mean learning all its formulas and conclusions by heart and clinging to their every letter. To master the Marxist Leninist theory we must first of all learn to distinguish between its letter and substance.

"It may seem that all that is required for mastering the Marxist-Leninist theory is diligently to learn by heart isolated conclusions and propositions from the works of Marx, Engels and Lenin, learn to quote them at opportune times and rest at that, in the hope that the conclusions and propositions thus memorized will suit

each and every situation and occasion. But such an approach to the Marxist-Leninist theory is altogether wrong. The Marxist-Leninist theory must not be regarded as a collection of dogmas, as a catechism, as a symbol of faith, and the Marxists themselves as pedants and dogmatists. The Marxist-Leninist theory is the science of the development of society, the science of the working class movement, the science of the proletarian revolution, the science of the building of the Communist Party. And as a science it does not and cannot stand still, but develops and perfects itself. Clearly, in its development it is bound to become enriched by new experience and new knowledge, and some of its propositions and conclusions are bound to change in the course of time, are bound to be replaced by new conclusions and propositions corresponding to the new historical conditions."

Q (BY MR. FLYNN) It says there that it calls for a proletarian revolution?

A That is correct.

Q What is the proletarian revolution?

A The rule of the majority of people in any given country, the workers, farmers, the small businessmen.

Q Isn't that the direct opposite of what was read a moment ago?

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A No, if you read that again, I will show you what it means. It means an alliance of the working class, farmers, small businessmen and the intelligencia. What that means to me is doctors and dentists and so on.

Ows fls 11:15

Q Now, the very next paragraph after you stopped reading, it is headed "Marxist-Leninist theory as a dogma and guide to action."

A Guide to action?

Q Yes.

A It is a guide, a guide, how to work.

Q It tells you what to do?

A No, it is a guide. I don't say it tells you what to do.

Q It guides you?

A There it is.

Q There it is, and you go out and do it that way?

A No, it does not. That is just the opposite of what I have been reading, and it is the opposite of what I have been saying all day yesterday.

Q I want to refer you to this sir, on page 167,

"The Bolsheviks were not mere pacifists who signed for peace and confined themselves to the propaganda of peace, as the majority of the Left Social-Democrats did. The Bolsheviks advocated an active revolutionary struggle for peace, to the point of overthrowing the

rule of the bellicose imperialist bourgeoisie. The Bolsheviki linked up the cause of peace with the cause of the victory of the proletarian revolution, holding that the surest way of ending the war and securing a just peace, a peace without annexations and indemnities, was to overthrow the rule of the imperialist bourgeoisie.

"In opposition to the Menshevik -- "

What is that, Menshevik?

A Menshevik is -- it is still the history of the Soviet Union.

Q Yes.

A It is a section of the socialist movement in Russia, prior or during that.

Q That is the majority, isn't it?

A Well, what they mean, the meaning of the word in Russia, Bolshevik means the majority and Menshevik means the minority.

Q The Mensheviks were the minority in the 1905 revolution, weren't they?

MR. BUCHMAN: Is Mr. Flynn testifying as a Marxist?

(Laughter)

THE COURT: Now, gentlemen, I did not catch the remark that gave cause to the risability.

MR. BUCHMAN: I did not mean it to be that.

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THE COURT: Apparently it was as a result of somebody's expression, but it is not consistent with the nature of the judicial process. I do not know who was responsible for it, but I will pass it over, but I want to caution everybody against that sort of demonstration in this Court room.

Go ahead, Mr. Flynn.

Q (BY MR. FLYNN) "In opposition to the Menshevik and Socialist-Revolutionary renunciation of revolution and their treacherous slogan of preserving 'civil peace' in time of war, the Bolsheviks advanced the slogan of 'converting the imperialist war into a civil war.' This slogan meant that the labouring people, including the armed workers and peasants clad in soldiers' uniform, were to turn their weapons against their own bourgeoisie and overthrow its rule if they wanted to put an end to the war and achieve a just peace."

Now, do you agree with that?

A This is the History of the Communist Party of the Soviet Union. It deals with that period during the first World War where the majority of the people were opposed to Russian intervention in the war.

Now, that is what it says. If you mean that is what we teach today, I would like to know, and if you have evidence, any evidence that we have taught that, you would

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have it before this Court.

Q You say you sold this book?

A Yes.

Q Push it, get people to read it, and study it?

A We also have the History of the American Revolution, and we sell it.

Q I think that is a very good thing.

A Yes, but we don't say "do this" or "go out and do likewise".

Q This is a guide to action?

A It is a history.

Q A guide to action?

A It is a history.

MR. BUCHMAN: I want to state my objection to Mr. Flynn's testifying and I want to urge and ask the Court that he confine himself to questions and not comments.

THE WITNESS: If it is a guide to action, it is well-known, the fact that the Communist Party opposes the Korean War, but there is nothing that we teach that ^{there} should be armed uprising to oppose that war.

THE COURT: Mr. Meyers, I have to ask a question in connection with your last answer. Were you opposed to the beginning of the Korean War?

THE WITNESS: We were opposed to it from the beginning.

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THE COURT: You mean you were opposed to the invasion of South Korea by North Korea?

THE WITNESS: We were opposed to the Korean War, the beginning of civil war. We were opposed to the intervention of the United States into that war.

THE COURT: The question is were you opposed to the invasion of South Korea by North Korea?

THE WITNESS: Well, I have heard two stories over that, and I don't know whether it was North Korea invading South Korea or South Korea invading North Korea, but it was obviously a civil war, and we were opposed to the intervention of the United States troops into that war.

THE COURT: Very well. You answered my question.

THE WITNESS: We were opposed to it and we asked that the guys be brought home from Korea.

THE COURT: Next question.

Hdg fls
10:25

11:22
follow
Owens.

THE COURT: But it has nothing to do with what he is reading in this book.

Q (By Mr. Flynn) May I ask you this question. Has the Communist Party of the United States ever opposed any war that Russia was not on the other side?

A Was what?

Q Have you ever opposed any war when Russia was not a belligerent on the other side?

A Wait until I follow you.

Q Your opposition is when somebody is fighting Russia, and you oppose war then, is that true?

A Well --

MR. BUCHMAN: I would object to it as being immaterial, but I will let him answer it otherwise.

A The Communist Party whole heartedly for the war against Hitler and Japan. The Korea war is not a war against Russia.

Q (By Mr. Flynn) Did you support the war against Hitler before Russia got into it?

A Personally?

Q The party.

A At that particular period, I wasn't a member of the party. But I think that was the party's position.

Q Now, then, I just want to read one more. Page 168.

"Of great importance to the working class of the

H 2

world was Lenin's theoretical work during the war."

A Wait. I don't quite follow you.

Q (Continuing.) "-- was Lenin's theoretical work during the war. In the spring of 1916 Lenin wrote a book entitled 'Imperialism, the Highest Stage of Capitalism.' In this book he showed that imperialism is the highest stage of capitalism, a stage at which it has already become transformed from 'progressive' capitalism to parasitic capitalism, decaying capitalism, and that imperialism is moribund capitalism. This, of course, did not mean that capitalism would die away of itself, without a revolution of the proletariat, that it would just rot on the stalk. Lenin always taught that without a revolution of the working class capitalism cannot be overthrown. Therefore, while defining imperialism as moribund capitalism, Lenin at the same time showed that 'imperialism is the eve of the social revolution of the proletariat.'"

Do you agree with that statement?

A I think it is a very good statement. I think it is correct. What it means is very simple, that capitalism can no longer settle the needs of the people. But big business men can't say, "OK. We can't run the country. Here's the mines and the mills. You take them." It doesn't. It means the working class and their allies are going to have to change, themselves. It can never be changed by big

H 3

business.

THE COURT: How is it going to make the change?

A As I said yesterday, we have no blue print. It can take various forms. Once the majority of the people decide the change is going to be made, they will find their own way to make the change. And we have no blueprint. That is all I can say on that.

THE COURT: Very well.

A What we say, it is necessary, the change can be made. And we feel it can be made quick.

THE COURT: "Can be made quick?"

A Yes. The factories, the mills, the mines, that are in America. Certainly the way they are being operated by big business does not answer the needs of the people. They haven't been able to solve the problem of crises. In 1948 and 1949, another crisis started. We have another war. That is one of the reasons we feel the Korean war started

MR. FLYNN: Well, go ahead.

A And we feel while big business may not, themselves be happy when people are unemployed -- then may or may not be, but one thing is certain, they cannot answer the problems.

THE COURT: Do I understand a moment ago your answer with reference to the Korean war was that American big business started the war?

A No. I said they sent our troops over there. I am

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certain it wasn't the will of the people. And that is a matter of record. The Gallup Poll showed some seventy percent of the people are in favor of bringing the boys back, not just the Communist Party. And there are all kinds of expressions to oppose us in this war.

And it is not an unusual thing in America. It is not written anywhere that people can't oppose war, for the fact that it is engaged in. Abraham Lincoln, in 1848, when the Communist manifesto was written, certainly opposed the Mexican War. And Abraham Lincoln is in no sense considered an enemy of the country.

Q (By Mr. Flynn) Let me call your attention to the part of the book you say you agree with. Go ahead.

A I say, I think that is essence of what the situation is in capitalism.

Q "This, of course, did not mean that capitalism would die away of itself?"

A That's right.

Q "Without a revolution of the proletariat, that it would just rot on the stalk."

Do you agree with that statement?

A We agree. It is what I said. We agree although capitalism can no longer rule and operate the society to the benefit of the people, that they are not going to just give up and say, "All right. Since we can't operate things,

we are going to retire."

It means the people are going to have to decide for themselves that they are going to operate the factories, the mines and the mills in this country. That is what it means, that it is just not going to rot on the vine.

THE COURT: All right. Go ahead.

Q (By Mr. Flynn) The book has been read and it has gotten into many hands, and isn't it a fact that resolutions have been passed in your conventions about the distribution and study of the history of the Communist Party, Soviet Union, Bolsheviks, and the Marxism-Leninism? Isn't that true, your conventions always passed those resolutions?

A Not while I was there. It may have been. We try to get the books out. We like our members to read them.

MR. BUCHNAN: Not just the two paragraphs.

A No. Not just two paragraphs. We like to have the history of the Communist Party and the Soviet Union, because here is a country where Socialism has been established.

THE COURT: I think it is about time for us to take our recess. Recess for ten minutes.

(Thereupon, at 11:30 a.m., court recessed for ten minutes. Recess over at 11:40 a.m.)

THE COURT: Proceed.

Q (By Mr. Flynn) I believe you said, Mr. Meyers, this book, you used in the school?

H 6

A I don't think it was used in the school. However, I have read it.

Q You have read it. And it was circulated by the Communist Party and sold in their stores, is that right? In the book stores.

A Yes.

Q Let me read one or two things from this, please. On Page 47, it says: "The question of the proletarian dictatorship is above all a question of the main content of the proletarian revolution. The proletarian revolution, its movement, its scope and its achievements acquire flesh and blood only through the dictatorship of the proletariat. The dictatorship of the proletariat is the instrument of the proletarian revolution, its organ, its most important mainstay, brought into being for the purpose of, firstly, crushing the resistance of the overthrown exploiters and consolidating the achievements of the proletarian revolution, and, secondly, carrying the proletarian revolution to its completion, carrying the revolution to the complete victory of socialism. The revolution can vanquish the bourgeoisie, can overthrow its power, without the dictatorship of the proletariat. But the revolution will be unable to crush the resistance of the bourgeoisie, to maintain its victory and to push forward to the final victory of socialism unless, at a certain stage in its development, it creates a special organ in the

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form of the dictatorship of the proletariat as its principal mainstay."

Do you agree with that?

A You have read a whole page. I can hardly remember it, let alone with what I agree with it. Let me look at it.

THE COURT: What is the book?

MR. FLYNN: The book is "Foundations of Leninism," by Joseph Stalin. Government's Exhibit Number 7.

A I have read the whole --

Q (By Mr. Flynn) It is sold now by the Communists and circulated by them?

A Yes. It is a historical document.

Q You agree to that?

A Wait a minute until I get a chance to look at it.

Q I thought you were. Are you?

A I said it is a historical document. I notice when you spoke, you came down heavy on the word "revolution."

Q Yes?

A I explained yesterday, "revolution" in Marxist terms means "social change." It does not have the connotation of force and violence. It is the same meaning as is contained in the dictionary. It means "social change."

Q What does that word, "crush," mean?

A "Crush." Wait until I read where it is.

First, you put books on trial, then you put

H 8

sections on trial, now you have got words on trial, such words as "vanquish," "crush," and "resistance of the bourgeoisie."

This book was written after the working class had come into power in the Soviet Union. It deals with problems in the Soviet Union. It is not our program or policy today. These are Marxist classics, and we read and study them.

Q Now, I want to read at the bottom of Page 54, the "second conclusion."

A This is still from --

Q Still from the "Foundations of Leninism."

A Dealing with that particular period in the Soviet Union.

Q (Reading) "The dictatorship of the proletariat cannot arise as the result of the peaceful development of bourgeois society and of bourgeois democracy; it can arise only as the result of the smashing of the bourgeois state machine, the bourgeois army, the bourgeois bureaucratic machine, the bourgeois police."

Do you agree with that statement?

A I can't -- That is a section of the book. Let me look at it. (Reading to himself.)

It is the same thing. It is a section of the book dealing with problems of the Soviet Union. It has nothing to do with our policies.

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Q It is also a book being sold, read, and studied and taught by the Communist Party today, is it not?

A Taught by?

Q Yes.

A "Violent revolution," is that what you are getting at?

Q This book is used for study, is it not?

A We use it for study, the same --

Q And it is taught?

A We use other books to study. We use the history of the American labor movement to study.

Q Now, then, I want to ask you, have you gone over all these books which are classics of Marxism-Leninism?

A Some of them.

Q Will you tell us, now, whether or not Marxism-Leninism advocates the overthrow of the Government by force and violence?

A It does not.

Q It does not?

A It is not contained in those books.

Q It is not contained?

A It is not. It has never, from its very beginning. It has been a majority movement.

Q When did you get back from this school?

A I got out of the school around the middle of November.

Q Of what year?

H 10

A 1947.

Q When you came back, did you become a functionary of the Communist Party?

A After a short time, I became a functionary, around February 1st.

Q So that the reason why you were sent to school was to train you to become a functionary of the party?

A No.

Q No?

A It was up to me to decide, and up to the people in the district to decide. I was not elected at that time.

Q Isn't it a fact you were told when you were sent to that school, you were sent there to be trained to be a functionary of the Communist Party?

A It was a training school, yes. And it was up to me and up to the party whether I became a functionary or not.

Q Will you answer that question, please? Were you not told when you were sent there that you were being sent there to be trained to be a functionary of the Communist Party?

A No. They said there was a possibility when I came out that I would work full time for the party, yes, as a functionary, but there was nothing settled.

Q Nothing settled. And the reason it wasn't settled was whether you could absorb enough of the teachings to be a

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functionary, and that was the only thing to be settled?

A No. It came up to whether it was my decision or not to accept such assignment, if it was the will of the people in the district.

Q Do you know of anyone who has been sent to one of the training schools when they came back that they didn't become paid functionaries of the Communist Party?

A Sent to any of these training schools?

Q Yes.

A No. That is not true. Everybody that goes to school doesn't become paid functionaries.

Q I asked you if you knew of anyone who did not become a paid functionary after they went to the national training school or one of these schools?

A I don't know who all went to these schools. And I know that in this school there were all kinds of people, just like myself.

Q From all over the country, weren't there?

A I don't know about from all over. From different parts.

Q They were all there being trained to become functionaries of the party, isn't that true?

A No.

Q Why was the party spending money on those people and have you all there giving you an education? For what

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purpose?

A Because they thought it was possible, it was a possibility, but not anything that was already settled.

Q In any event, you did become a paid functionary?

A That is correct.

Q And that was in what year?

A I think I started about February 1, 1948.

Q And you remained a paid functionary in the party ever since, haven't you?

A That is correct.

Q What offices have you held in the party?

A Well, I was elected labor secretary. Then I was elected chairman of the party in this district.

Q Just held the two places, labor secretary and chairman?

A Yes.

Q I thought you said yesterday, maybe I am mistaken, I thought you said you were educational director at one time.

A No.

Q You were labor secretary. Were your headquarters in Baltimore?

A They were.

Q As labor secretary, your duties were to see that the party got into the labor unions and into the plants, is that what your job was?

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A No.

Q What was it?

A My job was to analyze, on occasion, the situation that existed in the labor movement, to do the best I could, help the progressive movement, support the problems of the labor movement, any strikes, any contract negotiations, things like that. That was my duty.

Q You were to try to organize the Communist Party in labor unions?

A Not in labor unions. We were trying to get workers in the party. We are trying right today.

Q Weren't you trying to get members in the various steel plants, shipyards, in and around Baltimore?

A Any workers, that's right. It had nothing to do with unions. We were trying to get workers.

Q Didn't you organize various clubs in the various industries in Baltimore, around Baltimore, and the State of Maryland?

A I think at this stage I am going to have to make the same statement I made earlier, that I am not here to give information on such things as that.

Q Then I want to ask you the question on the question of clubs. Will you name me what clubs, communist clubs, that are in existence in Maryland or the District of Columbia now?

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MR. BUCHMAN: I object to the question, as immaterial.

THE COURT: You see, now, of course, this is March, and the indictment was filed in January.

Q (By Mr. Flynn) I will change my question to read: Can you tell us what clubs there were in existence in January of this year?

MR. BUCHMAN: I object to that question as immaterial and irrelevant.

THE COURT: Overruled.

A I want to say, for the same reasons I have stated earlier about my position on naming names, I am not here to give information about the number of clubs in the party.

Q I haven't asked you to name any names.

A Earlier, you did. I say, it is the same position.

Q You referred to the Textile Club. Is that still in existence?

A I will have to give you the same answer.

Q There has been some reference here to the Steel Club. Do you know whether or not that is in existence, or was in existence in January?

MR. BRAVERMAN: The witness did not testify to a Steel Club.

THE COURT: Objection overruled.

A I will have to give the same answer.

Q (By Mr. Flynn) There has been some testimony about

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a number of clubs. I think one was the Thomas Jefferson Club, another was the Tom Paine Club, and there was a Duolos Club. Those clubs I have named did exist.

MR. BUCHMAN: Objection.

THE COURT: Overruled.

A Again, for the same reason, I will have to --

Q (By Mr. Flynn) You said your reasons for not divulging the names of the people was that you did not want them humiliated? I forget what the word was.

A Persecuted.

Q Persecuted.

A There were several reasons I stated. One was, it went against my grain to come here to answer questions that went along the lines of to the respects of the informer. And I explained the reasons why it went against my grain. That is the second and main reason.

Q Why does that apply to clubs?

A It certainly applies to clubs.

Q In what way?

A Because it is the business of the Communist Party, what its clubs are and what its membership is. And, again, it goes against my grain to come here and to give testimony that the F.B.I. would like to elicit.

Q So you think it is the business of the Communist Party, and therefore it is nobody else's business, is that

H 16

right?

A Well, I have given my reasons. It goes against my grain to come here and --

Q Isn't it a fact that there are no clubs in existence at the present time, and there have not been for some time?

MR. BUCHMAN: Object to the question.

THE COURT: Overruled.

A What was the question, again?

Q (By Mr. Flynn) I say, as a matter of fact, isn't it true that there is no club in existence at this time, nor have there been in existence for some time past?

A We have party clubs.

Q Where?

A In the party.

Q What kind of clubs?

A Well, I think you are going back to the same type of question.

Q As a matter of fact, weren't the clubs all dissolved and have all gone out of existence when you went to the proposition of having only three members in groups, these groups of members who meet in parks and in automobiles and railway stations?

MR. BUCHMAN: I object to the question, Your Honor.

THE COURT: That objection is sustained for the

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form of the question. The witness did not, on direct examination, go into the matter of the party going underground, as was testified to by one or more witnesses for the Government in the Government's case. Now, it may be on cross-examination you can ask him whether that development did occur, and in connection, your question may become proper, but he has not testified on that point, and your question assumes he has.

Q (By Mr. Flynn) I will ask you, did you hear the testimony in Court that the party is now being broken up into small units of three people, and it is organized in such a way that only one person would know any person in another unit, and that these units do not meet in regular meetings, but they do meet in places such as sitting in an automobile or in a park or in railroad stations? Did you hear that testimony here?

MR. BRAVERMAN: I think the testimony was merely hearsay testimony on the part of one witness. There were two witnesses on this point. Lautner testified what took place in New York. And if Mr. Flynn is referring to the witness Lautner's testimony, I don't think it should be. If he is referring to the witness Markward's testimony, the witness Markward's testimony was that she had heard such plans were made, and it was hearsay.

MR. FLYNN: Miss Markward testified she was part of one of these things. She came to Baltimore.

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THE COURT: I recall the testimony perfectly well. The basis of the objection made by Mr. Braverman is not tenable as a rule of evidence. The witness was asked whether he heard the testimony, and I believe Mr. Flynn added, or I suppose he intended to add as a natural import of such question, whether it was true or not.

So stated, the objection will be overruled.

Q (By Mr. Flynn) Did you hear that testimony?

A I heard the testimony of every Government informer.

Q This testimony I have referred to, is that true as far as the party is concerned, now, and has it been true for some time past?

MR. BRAVERMAN: I object to the question, sir.

THE COURT: Objection overruled.

A The Communist Party, its policy and program are public. We certainly work in such a way that our members cannot become victimized in places where they work because of the membership. Because of that, we take every guarantee we can to protect them, just the same as you talk about meetings in parks, and so on. People meet where it is most convenient for them. I remember back in --

THE COURT: I can't hear you. Wait for the clock to stop.

A Oh.

THE COURT: All right. Proceed.

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A I remember back after the First World War when the union was broken up, the mine union was broken up. It was necessary for the miners to meet out under trees because the union was subject to attack and the members were being victimized for membership in the union. And at that time, the union took whatever steps it could to protect its members. And that is what we do.

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Q (BY MR. FLYNN) Isn't it a fact that a large part of the Communist Party has gone underground?

A The Communist Party has not gone underground.

Q You say it has not?

A We are still a legal Party in this country, Mr. Flynn.

Q When you go underground you would consider yourselves an illegal Party?

A I said we are still a legal Party in this country.

Q There were references to the Party going underground. Would you consider it illegal if you went underground?

A I don't remember such references. I don't consider the Party to be illegal under any circumstances.

Q Now, when you were elected chairman, ^{where} did the election take place?

A I would have to give the same answer, a question of where.

Q Who was president when you were elected?

A I was elected at a District Committee, not by a convention.

Q Where?

A The same answer. In February -- when?

Q How many people were present?

A I would have to give the same answer.

THE COURT: Do you wish to press the question?

MR. FLYNN: Yes, I do for this reason --

THE COURT: I direct him to answer.

THE WITNESS: Your Honor, I have to give my same reasons that I gave previously. I am not here to give names of members of the Party, and on that basis I cannot answer it, and I say that with due deference to Your Honor's request.

THE COURT: Well, now, Mr. Meyers, I am sorry, but you had better think it over. I direct you to answer the question.

MR. BUCHMAN: May I state --

THE COURT: No, I do not care to hear any remarks from anybody until we get through. Please sit down.

Mr. Meyers, we will be taking a recess at 1 o'clock, and you will have an opportunity to reflect about the direction of the Court to the witness, and if at 2 o'clock the question is asked again, the Court will make a final ruling upon it.

Go ahead.

THE WITNESS: First, can I have the question re-read?

(The Reporter read as follows:

"How many people were present?")

Q (BY MR. FLYNN) When you were elected chairman

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who was there and how many people were present?

A Okay.

MR. BUCHMAN: I would like to enter an objection.
I object to the question, Your Honor.

THE COURT: I understand.

MR. BUCHMAN: Was the question directed to a
specific meeting, I would like to know?

MR. FLYNN: It was addressed to the meeting in
which he was elected Party Chairman.

MR. BUCHMAN: All right.

Q (BY MR. FLYNN) Yesterday you testified, Mr.
Meyers, after you had been elected, sometime after you had
been elected chairman of the Party that leaflets were printed
with your picture on them.

MR. FLYNN: That is number 6 of the Exhibits, I
believe.

Q (BY MR. FLYNN) You went over that in some detail
yesterday, Mr. Meyers, when you identified it?

A I said it was put out when I became a public
official of the Party.

Q Public official of the Party. Was that when you
were elected Party Chairman?

A No.

Q What office were you elected to when this was put
out?

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A Labor Secretary.

Q Labor Secretary?

A I didn't make reference to it.

Q When were you elected Labor Chairman?

A In the early part of 1948 -- the latter part of 1947, if I remember correctly.

Q When was this pamphlet published?

A In March, I believe.

Q March?

A I believe so.

Q How many months after your election was it that this was gotten out?

A It came about that I made a trip to Western Maryland and I was interviewed by the press in Western Maryland at that time, and following that interview the interview was put into pamphlet form.

Q You say a great many of them were circulated?

A Yes.

Q I notice in 6 in that column, "force and violence. Does the Communist Party advocate overthrow of the government by force and violence?" I want to ask you this, whether or not that particular paper was not gotten out and whether or not that particular portion was not put in there at the time when there were then in prospect certain prosecutions?

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A That is not correct, Mr. Flynn. This pamphlet came out of an interview when there were a lot of newspaper men interviewed me and they asked me that question and that was my answer. And this was the answer that appeared in the public press.

Q That had nothing to do with prosecution whatsoever?

A It had not, but it was a question asked of me by the public press in Western Maryland.

THE COURT: What is the date of that?

MR.FLYNN: Apparently it has no date. I thought it was identified as to the date but it does not seem to have a date.

THE WITNESS: It was in March.

THE COURT: March, what year?

MR. FLYNN: The questions were asked by the "Times" newspaper, March 7, 1948; but when this was republished, sir, I don't know.

THE WITNESS: Immediately after.

THE COURT: March, what year?

MR. FLYNN: 1948.

Q (BY MR. FLYNN) At that time were there not some cases being prosecuted in certain parts of the country?

A Not to my knowledge.

Q Now, in this pamphlet in your interview about

force and violence, it says:

"This despicable charge, aimed at us by Big Business and its agents, has been refuted again and again."

That is the charge of force and violence.

"The Supreme Court of the United States has ruled in our favor. Attorney General Tom Clark (no friend of ours) only recently had to admit under oath to the Un-American Committee (no friend of ours) that no Communist had ever been found guilty of advocating the overthrow of the Government by force and violence."

Does that statement hold true now?

A At the time this statement was made it was true.

Q Does it hold true now?

A Since that time eleven Communist leaders have been framed in New York the same as I am tried today.

Q What is that? What happened in New York?

A Since this statement was made at that time it was correct, it was correct, but eleven Communist leaders have been found guilty in New York of conspiring to teach and advocate the same as, the same charge that you have me here today, and it is incorrect.

It was incorrect with them and it is incorrect with me, but this statement here, they were not found guilty, no Communists are found guilty of teaching and advocating

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the violent overthrow, but they are charged with the Smith Act.

Q Well, certain Communists have been found guilty of conspiring to overthrow the government?

A The same charge that is here today.

Q Now, in the Communist Party constitution that was referred to yesterday, you read certain portions of it, and I want to call your attention particularly to the preamble:

"The Communist Party upholds the achievements of American democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies."

Whom do you understand to be the reactionary enemies of the Constitution of the United States and the Bill of Rights?

A Well, I consider the reactionary enemies, those forces which would prevent the enforcement of the Constitution and the Bill of Rights, and those forces in the South who prevent the enforcement of the 13th, 14th and 15th Amendments with respect to the Negro people and the right to vote, and the attempt to emasculate the Constitution and the Bill of Rights by denying free speech, freedom of thought.

Those are my ideas of reactionary enemies, and I think the fact that we are in a Court opposing the Smith Act is an example of the way the Party has to fight for the

Constitution the same as we are opposed to the Taft-Hartley Law and other oppressive legislation.

Q Then it goes on to say:

"It uncompromisingly fights against imperialism and Colonial oppression, against racial, national and religious discrimination, against Jim-Crowism, anti-Semitism and all forms of chauvinism.

"The Communist Party struggles for the complete destruction of fascism and for a durable peace."

Is that all you defend in the government of the United States? How about the question of an attack from a foreign power?

A We would --

MR. BRAVERMAN: I object to that.

THE COURT: I am not clear that I understand the question.

MR. FLYNN: Well, sir, the question is in connection with this, this preamble specifically sets out certain things that they would protect the government against, certain things and I want to ask him whether the really important thing, an invasion by some country coming over here, an invasion brought about from abroad by a foreign power, and there is nothing in this preamble which indicates they would do anything about that, and I want to ask him that question and I want to ask him why.

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MR. BRAVERMAN: I object to that statement, Your Honor. And I object to the question. The preamble says that it has to do with the Constitution and the duties and responsibilities of American citizens, what they are in fighting the enemies of the Constitution, and I think the statement by Mr. Flynn is intended to really put his testimony into the record and I want to object to the question in that form because it is immaterial and irrelevant.

THE COURT: I don't think it is irrelevant but I think perhaps the objection to the form of the question may be good; but I am not quite clear just what its import is.

If you want to ask a question, and I express no view as to whether it is admissible or not as to what is the attitude of the Communist Party in the event of a war against the United States.

MR. FLYNN: Yes, sir, I will ask him that.

THE COURT: Is there any objection to that question being answered?

MR. BUCHMAN: I think it further serves to move away from the issue in this case.

THE COURT: No, I don't think so.

MR. BUCHMAN: I note an exception.

THE COURT: I think you can ask that question if you wish to.

THE WITNESS: What is the question?

MR. BUCHMAN: I want to note an exception for the record, Your Honor.

MR. FLYNN: What is the question?

(The Reporter read as follows:

"If you want to ask a question, and I express no view as to whether it is admissible or not as to what is the attitude of the Communist Party in the event of a war against the United States.")

Q (BY MR. FLYNN) What is the attitude of the Communist Party in the event of a war against the United States by a foreign power?

A We would do the same as we have, we would fight to protect this country.

Q Do you see anything like that in the Constitution?

A I think so. Let me see it.

MR. BUCHMAN: Let him look at it.

MR. FLYNN: I will.

Q (BY MR. FLYNN) Suppose that foreign power would be the Soviet Union, ^{what} would be your attitude there?

MR. BUCHMAN: Objection.

THE COURT: It seems to me that the question is admissible as to any other country, that is to say, the question may be with respect to any country, suppose it were attacked by the country of Patagonia.

MR. BUCHMAN: I only want to note my legal objec-

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tion to having the question answered because I think it is beyond the issue. I think that is clear.

THE COURT: I think it is proper cross-examination of this witness with respect to the extended evidence given yesterday as to the attitude of the Communist Party and I think the question is admissible for the Government to inquire into what would be the attitude of the Communist Party in the United States if there should be a war with another country.

I think he said that it would be to protect this country, and the same way, I suppose, you could ask with respect to an attack from Russia, if there should be a war of the United States against Russia or Russia against the United States. You can ask him that question.

MR. BUCHMAN: I want to make my legal objection for the record, Your Honor, that it is beyond the issues in this case.

THE COURT: All right.

THE WITNESS: The position of the Communist Party is this, is that war is beyond the scope of possibility.

(Laughter)

THE WITNESS: However, I repeat, if any country would invade the United States we would defend America.

THE COURT: There might be a situation in which there would be no physical invasion, would your answer be

the same?

THE WITNESS: You mean by that question --

THE COURT: Very well, then. Go ahead.

Q (BY MR. FLYNN) You say it is beyond the scope of what?

A I don't know -- possibility.

Q Possibility?

A Impossible because ^{the} Soviet Union is a socialist country, and any socialist government, any socialist country wants peace.

(Laughter)

THE WITNESS: It does not go looking for war.

THE COURT: The audience may not indicate any expression of approval or disapproval.

Q (BY MR. FLYNN) Do I understand you to mean that the Soviet Government is a government of peace and therefore would not go to war; is that what you say?

A I say that no war between the Soviet Union and the United States, that it goes contrary to our theories, our policies, our practices and we feel war is not inevitable, but we feel that there is a necessity of the possibility of peaceful co-existence between the Soviet Union and the United States.

Now, I have been hearing this kind of question, but to me it is nothing but a war mongering question.

Q Where have you heard that before?

A I have heard such questions.

Q From whom?

A Various places. I have heard it.

Q Do you consider the United States an imperialist nation?

A I consider the United States policies at the present time heading toward imperialism, and that is why we would like to change them.

Q What policies are you referring to that are headed to imperialism?

A Well, in my opinion, going to other countries and trying to assert their will.

Q Going to other countries and trying to exert their will. Just where does the United States go trying to exert their will?

MR. BUCHMAN: I want to note an objection to this line of testimony because it is completely beyond the scope of the direct examination and it is beyond the issues in the case, the central issue in this case, as Your Honor referred to.

THE COURT: I think it is proper cross-examination. The objection is overruled. Go ahead.

Q (BY MR. FLYNN) I am asking you what country is the United States going into trying to exert its will?

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A I would say Korea.

Q Korea?

A Yes. I think it tends toward imperialism, and again the question of being headed to further wars and further bloodshed, and for that reason we oppose it.

Q Do you have any idea that there is any other country over in Korea other than the United States that are lending a hand or giving aid or assistance possibly to the enemies of the United Nations?

MR. BUCHMAN: I object to that question.

THE COURT: That is a different question.

MR. BUCHMAN: I object to this line of questions.

THE COURT: I think your objection is probably good as to this last question which was along an entirely different line.

Q (BY MR. FLYNN) You say the United States is an imperialist nation because it is going into other countries?

A No, I didn't say that.

Q What did you say?

A I said it tends toward imperialism.

Q Tends toward?

A Yes.

Q Do you mean the fact that the United States troops are in Korea is an activity that is an imperialist act on the part of the United States? Is that what you mean?

A A tendency toward imperialism, yes.

Q A tendency toward imperialism?

A Yes.

Q Where do you get this imperialism?

MR. BUCHMAN: I object to this line of questions as being prejudicial and as being inflammatory and beyond the issues of the case and prejudicial to the defendant.

THE COURT: I don't see how it tends to be inflammatory in view of what the witness has stated.

MR. BUCHMAN: Well, if the Court wants to engage in a full dress debate on foreign policy and the Korean War then the facilities should be provided for it, but it seems to me that it is beyond the issues in the case and it is irrelevant to any issue submitted here.

THE COURT: Well, Mr. Buchman, I had better just say that your objection is overruled.

Q (BY MR. FLYNN) Now, as Party Chairman you were head of the Communist Party of the Fourth District; is that correct?

A I never heard it called the Fourth District. It is the Maryland and District of Columbia District.

Q Isn't it named the Fourth District?

A I never heard it referred to that in the Party. I have heard you refer to it, but it is named the Maryland and D. C. District of the Communist Party of the United

States.

Q That is the Communist Party of the District of Maryland and D. C. Who is in charge of the Party in the District of Columbia.

A I think that is a matter of public record.

Q Can you tell us who it is?

A I can.

Q Who?

A Mr. Wood is Chairman of the Party.

Q During the years that you know of, what positions did he hold up to the present time?

A Chairman of the Party.

Q Does he hold any other positions?

A That is his job.

Q Any other offices at all?

A That is his duty.

Q Prior to that did he hold any other position?

A I am not particularly aware of it.

Q Well --

A It might have been.

Q You are aware of the setup in the organization of the Communist Party, and you become peculiarly vague about things.

A Peculiarly vague, no.

MR. BUCHMAN: I object to this.

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MR. WRIGHT: I object to this. I think it is argumentative.

THE WITNESS: I have no reason for being vague about Mr. Wood's activities. I believe he was Secretary in the Party and then became Chairman of the Party, and is Chairman now.

Q (BY MR. FLYNN) Didn't he have an office that had something to do with infiltration in the plants, the steel plants?

A We have no such policy.

Q He has been for some time a paid functionary of the Party; is that right?

A Yes, a couple of years.

Q A couple of years?

A Yes.

Q He has been a member of the Communist Party for quite a long while to your knowledge?

A I think you have to ask Mr. Wood that.

Q How long have you known Mr. Philip Frankfeld?

A I met Mr. Frankfeld a short time after coming out of the army.

Q Where did you meet him?

A On a train. I was going to Western Maryland and saw him, so was he.

Q Who introduced you to him?

A I have to refrain from answering that question for the same reason.

Q As a matter of fact, weren't you introduced to him by Al Lannon when he was going to Cumberland to attend a Communist meeting?

A You are shooting in the dark, Mr. Flynn, it wasn't Al Lannon.

THE COURT: I don't hear some of your answers today, Mr. Meyers.

THE WITNESS: I said it wasn't Al Lannon.

THE COURT: What is that?

THE WITNESS: I said Mr. Flynn was shooting in the dark. It wasn't Al Lannon.

THE COURT: Well, now, of course, that is not at all ^a proper answer for a witness to give. However, we will pass it.

Go ahead with your next question.

Q (BY MR. FLYNN) Well, did you meet Mr. Frankfeld shortly after that time in Maryland?

A I met him. I was a member of the Party, and he was.

Q He was a member of the Party?

A Yes, he was a member.

Q Did you go to a meeting in Cumberland in which Mr. Al Lannon was there? And he introduced you to Mr.

Frankfeld as the new Party Chairman?

A If he was, I wasn't there.

Q You were not there?

A No.

Q Do you mean to say you just met Mr. Frankfeld on a train while you were going to Cumberland?

A That is when I first met him.

Q Was he Party Chairman at that time?

A I don't know whether he had been elected or not.

Q You don't know?

A I just came out of the army.

Q Well, had you ever seen him before?

A No.

Q No?

A No.

Q You didn't know anything about Mr. Frankfeld at all until you met him on the train and somebody introduced you to him, and you won't say who because you happen^{-ed} to be a Communist Party member and he was also a member of the Party?

A No.

Q You didn't know Mr. Frankfeld before?

A No.

Q I don't know whether you said you didn't know he was Chairman of the Party?

A I just came out of the army. He probably was chairman

at the time, yes.

Q Do you know anything about the meeting in which Mr. Frankfeld was elected chairman?

A I was in the army.

Q You do know Al Lannon, do you not?

A I have known Al for a number of years.

Q He was Chairman of the Communist Party preceding Mr. Frankfeld?

A That is a matter of public knowledge.

Q He was here in the audience yesterday, wasn't he?

A I didn't notice him.

Q You know he was here? You know Al Lannon was here yesterday, do you not?

MR. BUCHMAN: I object to that question. I do not think it is relevant.

MR. FLYNN: It is just to test his credibility. That is the only reason.

THE WITNESS: My credibility, if I know he was here. I don't know whether he was here in the audience. I didn't see him in the audience. I saw him outside.

THE COURT: Of course, the witness answered the question, otherwise I would have been disposed to sustain the objection to it.

We will pass it now.

Go ahead, Mr. Flynn.

Q (BY MR. FLYNN) Now, Mrs. Regina Frankfeld, how long have you known her?

MR. BUCHMAN: I object to that question. I do not think it is relevant to the issue.

THE COURT: This is a conspiracy charge in which six defendants are alleged to have conspired with each other and with a number of other named persons.

This is cross-examination of the first witness for the defense, and among other things he said that neither he or any of the other defendants had advocated or taught the overthrow of the Government by force and violence. I think this is quite proper cross-examination to ask the witness. So I overrule the objection.

THE WITNESS: I met Mrs. Frankfeld sometime after. I don't know just when it was.

Q (BY MR. FLYNN) Going back to Mr. Frankfeld for the moment, you do know he has been a paid functionary for the Communist Party for a long time?

A I know that now, yes.

Q Mrs. Frankfeld, what offices does she hold or did she hold in the Communist Party for Maryland and the District of Columbia?

A That is a matter of public record that she was Organizational Secretary in the Party here for a time.

Q What is the duty of Organizational Secretary?

A Say, responsible for certain organizational work in the Party.

Q What organizational work? What is that?

A Compilation of dues, and so on.

Q Compilation of dues?

A Yes, getting dues, and it is an organizational, it has organizational functions.

Q Well, does that mean organizing clubs, cells, or anything like that?

A It is like organizational work in a Party.

Q Well, specifically, does it mean the organization of groups such as clubs, cells or apparatuses or such?

A In the main it deals with the compilation of dues, things like that.

Q Now, what other offices has Mrs. Frankfeld held that you know?

A That is the only office that she held.

THE COURT: What year? What was the year in which she held office?

THE WITNESS: 1949 and 1950.

THE COURT: I see.

MR. FLYNN: That is when the Frankfelds left Baltimore. That was in 1950, I believe.

Q (BY MR. FLYNN) Where did they go, if you know?

A They went to Ohio.

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Q Cleveland, Ohio? Isn't that a fact?

A Yes.

Q As a matter of fact, didn't they leave in 1951?

A '51, that is correct.

Q And Mr. Frankfeld went to Cleveland, Ohio to become Party Chairman out there?

MR. BUCHMAN: I object to that question, Your Honor. It is immaterial.

THE COURT: I am inclined to agree with you. I will sustain the objection to that question unless something further appears to make it relevant.

MR. FLYNN: Well, my only purpose in asking the question is to find out just about the organization of the Party and how much he knows about the Party.

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THE COURT: I think that particular question was rather beside the mark for the present.

Q (By Mr. Flynn): Do you know whether or not Mrs. Regina Frankfeld held any other office than Organizational Secretary here in Baltimore?

A She was Organizational Secretary.

Q That was the only office she held?

THE COURT: There may be a little uncertainty as to the meaning of the word "office". There was also evidence, I think, that she was a member of the Committee in the District.

Q (By Mr. Flynn): I want to find that from the witness.

A I don't remember that.

Q You don't remember that she was on the Committee? Isn't the District Committee the highest governing body of the Party in the district?

A That's correct.

Q Who is on the District Committee now?

A What is that question?

MR. BUGEMAN: I object to the question.

Q (By Mr. Flynn): Who was on the District Committee in January of this year?

A That is the same question that was asked earlier.

THE COURT: I overrule the objection.

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THE WITNESS: I have to give the same answer.

Q (By Mr. Flynn): You won't answer?

A It isn't my job here to give the names of members of the organization.

THE COURT: What is that?

THE WITNESS: It isn't my job here to give the names of members of the organization. It goes against my grain.

THE COURT: Of course, Mr. Meyers, you understand that your pertinent job is that of being a witness, to tell the truth, the whole truth and nothing but the truth and answer such questions as are asked you. That is your present job.

MR. BUCHMAN: I didn't want to interrupt you, but I want to add one thing. I don't see how the names of the District Committee can be relevant. I think the purpose of the questioning now is to harrass the witness in causing him to surrender his principles and I do not think it is proper cross-examination for that reason.

THE COURT: To harrass the witness into surrendering his principles? I do not know what you mean by that.

MR. BUCHMAN: The witness has said he does not want to be in the position of an informer.

THE COURT: Is it your idea that a witness who comes into a Court of the United States can take the

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position that he may decline to answer questions, if the Court rules them proper, because it is against his grain or because it is not his job?

I will not pursue the matter any further. You will have an opportunity, if Mr. Meyers desires, to consider this during the recess hour, with an opportunity to confer with him about the matter. I do not wish to make any immediate further ruling upon the point. Go ahead, Mr. Flynn.

Q (By Mr. Flynn) You have testified that the Committee was the highest body in the district?

A Outside of the convention.

Q It gets its instructions from the convention and carries them out?

A The policy is laid down by the convention.

Q Now then, the District Organizer, that is your position, isn't it, at the present time or was at some time, do you take your orders from the District Committee? Do they tell you what you are supposed to do?

A I don't take orders from the District Committee. I help formulate policy, yes.

Q You help formulate policy. Just what do you mean by that? You are a member of the Committee, are you not?

A Yes, the District Committee meets and works out policies. As District Chairman, it is my duties to help

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carry them out.

Q When you say "help carry them out", isn't it your duty to carry them out?

A That's right, to the best of my ability.

Q You can not deviate from them at all, can you?

A Deviate?

Q If you are told to do a certain thing, you have to do it?

A Once an agreement is reached on a policy, that is the policy that is carried out.

Q And you must carry it out, is that right?

A That is true of the Communist Party or any other democratic organization. When the majority reaches a decision, that is the position.

Q And if you deviated from that position at all, what would be the effect?

A I don't quite follow you.

Q I will ask you, if you deviate from the decision of the Party and you have or do something that is contrary to what the Party has told you to do, isn't it true that you are read out of the Party, that you are no longer a member of the Party?

A The Party wants to know why.

Q That is what is called revisionism, isn't it?

A No, revisionism is a basic change of a policy of

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the Party.

Q Basic change?

A Yes.

Q Well now, that runs right down then into the local committees, doesn't it? If you don't carry out the instructions of any Committee that is over you or any Convention, then you are rejected by the Party if you refuse to do it?

A If you don't carry out the decisions reached democratically and by majority vote.

THE COURT: A short answer, I suppose, from what you said yesterday, is, you would be expelled.

THE WITNESS: Not necessarily.

THE COURT: Then I am wrong about the inference. You better develop it further, Mr. Flynn.

Q (By Mr. Flynn): You talked about what would happen. You would be brought up before a Review Committee?

A That depends on the particular set-up in a particular district, but once, in any section of the Party, agreement is reached, that is the policy of the particular section of the Party that is involved and, if it does not carry it out, it means you don't accept the policies.

Q Suppose your Committee would say to you, "Now, Mr. Meyers, as head of the Party here, we want you to go out and push these books on the History of the Communist

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Party in the Soviet Union and we want you to get it in every library and sell it to everybody you possibly can" and you would say to them, "No, I am afraid. I can not do that because that book advocates the forceful and violent overthrow of the Government of the United States and I won't do it", what would happen to you?

A In the first place, the book does not teach and advocate the violent overthrow of the Government.

MR. BUCHMAN: That is one of those "Have you stopped beating your wife?" questions.

THE COURT: No, it is not a double question. If, of course, gives the witness the opportunity to say that as the question is a purely hypothetical one, that it could not happen because, as he puts it, the book does not advocate the overthrow of the Government by force and violence, but on the assumption that somebody else might find that, the witness is asked whether, if he were given that order, he would do thus and so.

I do not see that it is an improper question. The witness can probably answer if he finds it to be true that the contingency is so remote that it is inconceivable to him. He has answered another question this morning in very much the same way. You better go ahead, Mr. Flynn, and revise or repute the question.

Q (By Mr. Flynn): I merely ask you again, if you

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are told that the policy of the Party, as far as this district is concerned, told by your Committee that the policy is to sell that book and say for any reason you would not sell it and would say, "I do not think it ought to be sold here", what would be the effect on you as a member or functionary of the Party?

A In the first place, the Party does not hand down orders. In the second place, any decisions are arrived at democratically, after full discussion, and once the majority votes, that is the decision of the Party and it is carried out.

Q I am asking you, if you did not carry out the decision of the Party, what would happen to you?

A That is a hypothetical question.

MR. FLYNN: I don't know what is hypothetical about it.

THE WITNESS: In the first place, you here are not charging me with violation of decisions of the Party. It is something that is not under discussion and there are various things that happen if there is disagreement.

THE COURT: Put the question to him more simply, Mr. Flynn, with regard to something that does not refer to a book, but any order that might be given to him which he refuses to carry out, whether it would lead to dismissal or would it lead to him selling -

Q (By Mr. Flynn) Mr. Meuers, I will try to reframe my question as His Honor suggested. Any order that is decided by this Committee, any order to do anything, if you were not in agreement with it and refused to carry out the order, what would happen to you? Would you be dismissed, tried or summarily put out of the Party?

MR. BASSETT: Your Honor, I object to that question and the whole line of questions on the basis of the fact that the witness already testified he is an employee and it is perfectly obvious if he doesn't do what the boss tells him to do, you don't remain hired. I don't know where this line of testimony -

THE COURT: Of course, that objection is quite out of line with the evidence in the case. There is evidence that the nature of the organization of the Communist Party, as has been given, is one of rigid discipline. Whether the jury finds that to be the fact or not is for them to say, but that is one of the positions taken in the case as a whole, the question being put to the witness being the very thing, about the aims and objects of the Party, and the simple question is put to him, if an order is given to you by a superior authority in the organization and you decline to obey it, what is the consequence to you? I think that is a proper question and I overrule the objection.

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THE WITNESS: Your Honor, I object to the term "order". When policies are developed and worked out in the Communist Party, that is the policy of the Party and anybody in the party carries them out. When there is a violation of any decisions that are democratically arrived at, it is covered in the Constitution as to how that is handled.

THE COURT: Let me put the question to you in a simple way. Is the Communist Party a party of rigid discipline with regard to the enforcement of its aims, democratically arrived at, as you expressed it?

THE WITNESS: Once a policy is set, that is the policy of the Party, yes.

THE COURT: Would you be willing or will you say whether it is a Party of rigid discipline in that respect?

THE WITNESS: I would say this: That if the Party reaches policies, the Party members carry them out.

THE COURT: Of course -

THE WITNESS: I don't know the meaning of rigid discipline.

THE COURT: I am trying to save time.

THE WITNESS: People have differences with the policy, even though arrived at by majority vote and they have the right to object to them through questions.

THE COURT: Is it a party of rigid discipline, is

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it or not?

THE WITNESS: It depends on what you mean by rigid discipline. Once a policy is set by the Party, by a majority vote, then that is the policy of the Party and anybody that objects has the right to raise questions about it and has the right to appeal such policies, whether it is the policy of the Party and is to be carried out, the same as in any organization. If the majority of a union votes to strike and somebody goes in to work, they are called scabs.

THE COURT: Then you would not say it is a party of rigid discipline, would you say that?

THE WITNESS: It is a party. Anybody that comes into the Party and they come in under their free will, do the policies of the Party, that is correct.

THE COURT: Go ahead, Mr. Flynn.

Q (By Mr. Flynn): How long have you known Mrs. Berethy Rose Blumberg?

A I have known of her since the middle thirties. I am not certain just when I met her.

Q Did you meet her in Cumberland?

A Yes, I think I met her in Cumberland.

Q You referred to a Doctor Blumberg in your evidence yesterday and also it has been pointed out that he was the District Organizer here at one time. Was Mrs.

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Blumberg there at the time you met Doctor Blumberg in Cumberland?

MR. BASSETT: I object.

THE COURT: If the question is when he met Mrs. Blumberg in Cumberland, I think that is an entirely proper question in this type of case. He said sometime in the thirties. I am not sure what your next question was. You got Doctor Blumberg into it somehow and I rather missed it.

MR. FLYNN: He said he met Doctor Blumberg in the thirties in Cumberland and I asked whether he met her at the same time he met the Doctor, in the thirties in Cumberland.

THE COURT: In other words, did you meet her in Cumberland with Doctor Blumberg. That is a proper question.

THE WITNESS: I don't remember. It is possible.

Q (By Mr. Flynn): You do know that Mrs. Blumberg is Doctor Blumberg's wife, do you not?

A That is correct.

Q What office did she hold in the Communist Party for Maryland and the District of Columbia just prior to January of this year?

A None to my knowledge.

Q Are you sure you don't know of any office which

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she may have held?

A None. I am assuming you are referring to prior-- make the question a little more specific.

Q I am asking you what office in the Communist Party did Mrs. Blumberg hold prior to January, 1952?

A Sometime back she was the Organizational Secretary of the Party. I misunderstood your question. I thought you meant at the present time.

Q Some time back she was Organizational Secretary.

A Yes, in 1948.

Q Wasn't she the Secretary-Treasurer of the Communist Party right down to this year, 1952?

A She was not.

Q How about 1949?

MR. BASSETT: When?

MR. FLYNN: April of 1949.

THE WITNESS: Mrs. Blumberg left the district early in 1949. I don't know the exact date.

Q You say she left the district?

A Yes, moved away.

Q Wasn't that the time her husband left the district, too?

MR. BASSETT: I object.

THE COURT: I think the question is relevant on the point of the witness' last answer, that he does not

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remember just what time in 1949 Mrs. Blumberg left the district. The next question is, did she leave it the same time as Doctor Blumberg. That is for the purpose of probably fixing the date more exactly and I suppose has some importance. It may have a great importance as far as the date with respect to the three-year period just prior to the indictment in the case. The indictment was found by the Grand Jury January 15th, 1952, and I suppose the three-year period began January 15th, 1949. Now, it may be a matter of some importance in this case as to whether Mrs. Blumberg left the district prior to January 15th, 1949. The witness says she left some time in 1949 and he is being asked now if he can fix the date.

THE WITNESS: No, I can't fix the date. I don't know exactly.

THE COURT: Very well.

Q (By Mr. Flynn): Well now, you say she was Organizational Secretary?

A Secretary-Treasurer is correct.

Q In that position, wasn't she a paid functionary of the Party?

A No, she wasn't a paid functionary at that time.

Q When was she a paid functionary?

A I have no knowledge of her being a paid functionary.

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Q She was a paid functionary when she was Secretary-Treasurer of the Party?

A Not to my knowledge.

Q What offices in the Communist Party has Maurice Braverman held?

MR. BRAVERMAN: I object.

THE WITNESS: Your Honor, my position is the same.

MR. BRAVERMAN: I object to the question.

THE COURT: What is the objection?

MR. BRAVERMAN: It goes beyond the scope of the direct examination. Mr. Meyers didn't testify about me on direct examination.

THE COURT: That is not an objection, in my opinion. The objection is overruled.

THE WITNESS: My answer as to whether Mr. Braverman is or is not a Communist is the same as my position outlined earlier. I am not here to answer who is or who is not a Communist or what officers they may or may not hold.

Q (By Mr. Flynn): Why do you take a different position on Mr. Braverman than you took with reference to Mr. Frankfeld or Mrs. Frankfeld or Mrs. Blumberg?

A It is consistent with what I said earlier as to well-known leaders of the Party. I have no objection, but when it comes to answering who is or who is not an others,

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it goes against my idea of what I am here for.

Q (By Mr. Flynn): Well now, His Honor has pointed out to you that you are here to testify under oath and you say you don't want to say anything about Mr. Braverman at this time or any offices he held. You know you are under oath and are supposed to tell the truth, the whole truth and nothing but the truth.

A That's right.

Q With that in mind, I am asking you whether or not Mr. Braverman was ever an officer to your knowledge in the Communist Party in Maryland and the District of Columbia?

A My answer is that Mr. Braverman or anybody else, I am not here to answer who was or was not members.

MR. FLYNN: If Your Honor please, I suppose this comes under the same category of the other question.

THE COURT: Yes, this would seem to be a very much more explicit and direct question.

Q (By Mr. Flynn): How long have you known Mr. Braverman?

A I met him sometime after I came to Baltimore.

Q When was that?

A 1948.

Q Did you meet him at a Communist meeting?

A I met him as attorney for the Party.

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Q How is that?

A I met him as the attorney for the Party.

Q I asked, did you meet him at a meeting of the Communist Party?

MR. BRAVERMAN: I object. There is no foundation as to what is a Communist meeting.

THE COURT: Overruled. The witness may answer the question according to the facts.

THE WITNESS: I met him as a lawyer for the Communist Party and I met him in his office, if I remember correctly.

Q (By Mr. Flynn): Wasn't he on the District Committee at that time, the District Committee of the Communist Party?

A Again, I have to go back to my position as to who are or are not members of the Party.

THE COURT: You better think that over pretty carefully now and when court reconvenes at two o'clock, and you may talk with counsel about it if you wish to. If that is your final position about the matter, we will have to deal with it later. We will take our recess now until 2 o'clock.

(Thereupon, at 12:55 p. m., a recess was taken until 2 o'clock.)

Owens in
after recess

Ows 2pm.

AFTERNOON SESSION

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

Thereupon,

GEORGE ALOYSIUS MEYERS,

the witness on the stand at the taking of the recess, resumed
the witness stand and testified further as follows:

CROSS-EXAMINATION (continued)

THE COURT: Now, Mr. Flynn, go ahead.

MR. FLYNN: If Your Honor please, when we adjourned
for lunch I was asking the witness about Mr. Braverman and
the offices that he held in the Communist Party, and Your
Honor said before we adjourned for the luncheon hour you
would give the witness an opportunity to discuss that with
counsel as to whether he should answer, and I would like at
this time to ask Your Honor if I may proceed along that line?

THE COURT: What is your decision, Mr. Meyers?
Are you willing to answer the questions of the Government
or not?

THE WITNESS: Your Honor, I have given it a good
deal of thought in the hour that we were at lunch, and on
the basis of the reasons I stated before, that is, two
particular main reasons, one the danger of exposing people
to a black list on the one hand, and on the other hand it
is a question of my personal feelings, what I have learned

in the labor movement, naming the names of people who are members of an organization, any particular organization that happens to be under attack.

I have to restate my position that I cannot answer questions concerning other than elected officials of the Communist Party.

THE COURT: Well, Mr. Flynn, you may ask questions along that line and we will see just exactly how you phrase them and we will see whether Mr. Meyers is willing to answer them or not and we will see whether he refuses to answer.

Q (BY MR. FLYNN) The first question, may it please the Court, that I want to ask Mr. Meyers is when and where and who was present at the meeting when you were elected District Chairman of the Communist Party for the District of Maryland and the District of Columbia?

A Your Honor, I feel that goes outside the scope of the questions I can answer because it involves other than those elected officials of the Communist Party.

THE COURT: You refuse to answer it?

THE WITNESS: I do not see that I can.

THE COURT: Well, the question is, do you refuse to answer it?

THE WITNESS: On the basis that I do not desire to put people on the blacklist, and then it goes against my traditions, to the extent of naming people as members of

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an organization that is under attack.

THE COURT: What is the next question you wish to ask, Mr. Flynn?

Q (BY MR. FLYNN) Who were the members of the District Committee of the Communist Party of Maryland and the District of Columbia in January of 1952?

A I have to take the same position, sir.

THE COURT: What is the next question?

Q (BY MR. FLYNN) What positions has Maurice Braverman held in the Communist Party to your knowledge?

A I take the same position, Your Honor, I mean about naming who or who are not members of the Communist Party outside of elected officials of the Communist Party.

Q State whether or not there are any clubs of the Communist Party at the present time and if so name the clubs and state whether or not there were any of them in existence in January of 1952?

A I answer that that there are clubs and there have been clubs and they were in existence on January 1952. That is the extent of my answer.

Q The next question is, what is the names of those clubs and where are they located?

A This, Your Honor, that it goes beyond the scope of what I feel I want to answer in this case.

Q The last question, who are the officers of the

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Textile Club in the Communist Party when you joined the
Textile Club in Maryland?

A The same answer.

THE COURT: Now, are there any other questions you
wish to ask about any of the other defendants, and particular-
ly, do you have any questions to ask him about Mr. Braverman?

MR. FLYNN: Yes, sir.

THE COURT: It may be that some of the questions
which you ask he may answer or will answer.

You had better just frame those questions before
proceeding in the matter.

Q (BY MR. FLYNN) I will ask you, Mr. Meyers, how
long you have known Mr. Braverman? You said how long it was.

A When I first came to Baltimore I met him.

Q That was in 1946?

A 1948.

Q 1948?

A Yes.

Q Did you meet him as a member of the Communist
Party?

A I met him as an attorney.

Q I ask you, did you meet him as a member of the
Communist Party? Was he a member of the Communist Party?

A There again it is beyond the scope of what I am
prepared to answer as to who is or who is not a member of

the Communist Party other than elected officials.

Q Did you attend any meetings of the Communist Party where Mr. Braverman was in attendance?

A I met Mr. Braverman in the capacity of an attorney.

Q Would you answer the question yes or no? Did you attend any meetings of the Communist Party where Mr. Braverman was in attendance?

A That again goes beyond the scope of what I am prepared to answer.

Q Have you attended any classes of the Communist Party where Communist doctrines of Marxism-Leninism were taught at the home of ^{the defendant} Maurice Braverman?

A I have not.

Q Have you ever attended any classes that were conducted by the Communist Party taught by Maurice Braverman?

A I take the same position. I have never attended classes, but I can't answer that question because it goes beyond the scope of what I want to answer.

Q Did you attend a meeting held in the Willard Hotel in Washington, D. C., in April 1949?

MR. BRAVERMAN: I object to that, Your Honor. It is beyond the scope of the direct examination.

THE COURT: Overruled.

THE WITNESS: I attended such a meeting.

Q (BY MR. FLYNN) Did you attend that meeting?

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A Yes.

Q That was known as a trial run or something of that kind, wasn't it, where you met or came in small groups?

A No, it was a meeting of --

Q The Communist Party?

A Yes, I attended a meeting, a Party meeting.

Q Did you see the defendant Maurice Braverman at that meeting in the Willard Hotel in Washington?

A That goes beyond the scope of what I am prepared to answer.

Q You refuse to answer?

A It goes beyond the scope.

Q At the time you were selected to go and attend the National Training School in New York, isn't it a fact that on that committee, the District Committee at that time were Maurice Braverman, Philip Frankfeld, Dorothy Rose Blumberg, and Roy Wood?

A I was not present on the District Committee and I was not a member of the District Committee, and I don't know who was, I don't know.

Q You don't know who was there on that Board that selected you?

A I was not there and I don't know who was present. I was not a member.

Q Don't you know who was on that District Committee

at that time?

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A At that time I was not aware of the composition of the District Committee.

Q Do you say categorically that you don't know whether Maurice Braverman was on that committee at that time?

A I can say categorically that I don't know who was on that committee.

THE COURT: That does not answer the question, Mr. Meyers.

THE WITNESS: As far as Mr. Braverman is concerned, my position is the same as it was before. It goes beyond the scope of what I am prepared to answer.

THE COURT: I understand that you refuse to answer any questions about Mr. Braverman as to his possible connection with this case?

THE WITNESS: Only elected officials of the Communist Party.

THE COURT: Why do you limit it to elected officials of the Communist Party?

THE WITNESS: For two reasons. I think I already stated them. One is that I am not prepared to name names of people that are or are not members of the Party and subject them to possible black listing and prosecution.

The second reason is that it goes against my traditions that I have learned as a trade unionist, naming

thenames of people in any organization that is under attack.

THE COURT: I think you have expressed it a number of times saying that it goes against your grain to do it. Do you have any other reason than that?

THE WITNESS: Well, that was a form of language, it was a general expression, but it is a tradition, a tradition where I come from in Western Maryland in the building of unions, when the unions were under attack, the people would not name those who were members of the organization, and if you go up there today you could see them pointed out, the informants, or the grandchildren of informers, and that is what I am saying that it goes against that, all I have learned as a trade unionist and being in the trade union movement.

THE COURT: Is there any principle of discipline in the Communist Party which causes you to take the position that you refuse to answer questions in Court?

THE WITNESS: None whatsoever. That is my personal decision.

THE COURT: I see.

I will let the jury retire. Let the jury retire now and I will send for you promptly.

(Thereupon, at 2:15 o'clock p. m., the jury left the Court room, after which the following occurred:)

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OWS 2:15

THE COURT: Now, I will ask counsel if there is any reason they know why the witness should not be held in contempt of Court for his deliberate refusal to answer these questions which I consider proper on cross-examination.

MR. BRAVERMAN: Will Your Honor hear me?

THE COURT: Yes, I will hear you.

MR. BRAVERMAN: Your Honor, this is a case brought here under charge of conspiracy and yet the evidence dealing with this case has brought down to an evidence concerning a political Party. There has been a great deal of evidence as to the political activity of this organization, the Communist Party.

I feel that Mr. Meyers is protected within the scope of the First Amendment in refusing to answer any questions that deal with political organizations. I think that the concept of freedom of association, freedom of assembly and the other concepts as expressed in the First Amendment protect Mr. Meyers.

The whole concept of the secret ballot, the whole concept of the right to belong to any political organization that one desires are ample protection for Mr. Meyers in his position.

I think he has expressed himself as a matter of principle that those are personal principles and I think those two things go together and I urge that very strongly upon Your Honor in giving consideration to this particular

point.

I think the First Amendment is legal authority for Mr. Meyers principal position and we strongly urge it.

THE COURT: Does anybody else wish to say anything?

MR. BUCHMAN: If the Court please, I would say as to most of the question, I want to enter an objection as to their materiality and relevancy and also I do feel/not ^{probably} as strongly a legal ground that themain function of the line of question is to compel Mr. Meyers to surrender what he considers are principle questions to him, but as to the other questions that involve non-defendants, I would urge the ground of their immateriality and irrelevancy to the issues and object to those questions on those grounds for the record.

THE COURT: My question to you was this: When a Judge in a Court rules that a question is proper, is it not contempt of court for the witness to refuse to answer?

MR. BUCHMAN: I think the answer is, it is.

THE COURT: It is contempt of court, yes. Now, I gave Mr. Meyers an opportunity during the noon luncheon recess of an hour to confer with counsel about the matter and I assume that if he conferred with you, you told him that, so that you understand now, Mr. Meyers, that your refusal to answer the question which I have ruled to be

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proper constitutes deliberate, wilful contempt of this Court. Do you understand that?

MR. MEYERS: I have heard Your Honor say it.

THE COURT: All right. Do you understand also that the consequence of a refusal to answer, which constitutes contempt of court, subjects you to discipline by the court? Do you understand that?

MR. MEYERS: That is my understanding.

THE COURT: I understand counsel do not dispute the fact that the refusal of the witness in this case to answer these questions, particularly the question about Mr. Braverman, on the ground that he has assigned, to wit, that it goes against his grain to do it.

MR. MEYERS: It goes beyond that.

THE COURT: You have stated that. I asked you fully about that repeatedly during the morning and I note that the Court of Appeals for the Second Circuit recently had a very similar case before it, U. S. v. Gates, 176 Fed. 2d, page 78, an opinion by Circuit Judge Swann, which happened to be a situation in which one John Gates was under indictment with a number of other people with regard to this very conspiracy statute and he refused to answer a question which the trial Judge considered proper and relevant and he was sentenced to imprisonment by the Judge.

He appealed and the United States Court of Appeals

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upheld the sentence. I think that is in accordance with the usual rule in such matters. I took the trouble to look at this particular case just as an illustration of the law because in the more than twenty years that I have been on the bench, I have never heard a witness take the position in Court that you have taken, and I point out to you the seriousness of doing so.

It would mean that a witness would have the right to declare what is the law of the land to be enforced in the Courts of the United States and it would be in effect an obstruction of justice in the Courts.

Now, I can understand the grounds on which you have put your refusal to answer these questions but those grounds are such, I fear, that are not tolerated by the law and which mean that you take the position in defiance of the law of your country as announced by the Courts of your country.

Now, I do not want to complicate this case where you yourself are on trial for a very serious offense by making remarks in the presence of the jury and, for that reason, I sent the jury out. This trial will probably not be over for some few days yet and you may have an opportunity during that time to think the matter over further and it may be or may not be that you will be called upon to answer these questions or those of them that I ruled proper. I

suggest to you that you reflect about the matter very carefully. I do most definitely advise you now that what you have said this morning is, in my opinion, a wilful and deliberate defiance of the judicial authority of the United States and the only reason I do not impose discipline on you at this time is that I do not wish to embarrass your defense in the case by doing so.

You may bring back the jury.

MR. MEYERS: Your Honor, I want to make it clear that my position had nothing to do with any disrespectful attitude toward the Court.

THE COURT: I shall take the matter up further, of course, at the appropriate time.

(The jury thereupon returned to the Court room.)

THE COURT: You may proceed with your cross-examination, Mr. Flynn.)

Q (BY MR. FLYNN) Mr. Meyers, isn't it true that the District Conventions, that is the conventions of the Party that are held in the District, are bound by the action taken by the National Convention?

A No, the conventions were held, since I have attended them, were held prior to the National Convention and at those conventions we discussed the resolutions of the National Convention and discussed the proposals that came from the various clubs and delegates and elected delegates

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to the National Convention.

Q After those delegates went to the National Convention and action was taken there, wasn't that convention, wasn't the state then -- didn't the state then have another convention which accepted what was done at the National Convention?

A The conventions I attended were held prior to the best of my recollection.

Q Don't you know, Mr. Meyers, that after there are two phases of the District Convention, one held prior to the National Convention, where a draft resolution is gone over, then they hold the National Convention and after the National Convention is held, there is a second session of the District Convention which passes on what happened at the National Convention?

A That wasn't done while I was an official of the Communist Party.

Q You are an official of the Communist Party now, aren't you?

A Yes.

Q Is that so or not?

A You mean the second convention was held?

Q Yes.

A No.

Q Now, is the second convention is not held, I again

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ask you the question, isn't the District Convention or the District Committee bound by what the National Convention had done when it was in session?

A That is correct, and every member of the Party is subject to the decisions arrived at at the National Convention.

Q So that when the National Convention decides on any matter, no matter what it is, that binds every member of the Party in the United States, is that true?

A Within the framework that I outlined yesterday, where delegates are sent to the convention, where questions are raised, where secret vote is taken and a majority, wherever a majority decides, that is the policy of the Party.

Q And every member of the Party must carry that out?

A Is bound by the decisions.

Q You have already said that you knew Al Lannon?

A I know Al Lannon.

Q You do know him now?

A Yes.

Q Do you know what position he holds in the Communist Party?

A No, I don't, not right now.

Q Do you know what position he held prior to January 1952?

MR. BUCHMAN: Object.

THE COURT: Overruled.

THE WITNESS: I understand at one time he was chairman of the Party in the District.

Q (BY MR. FLYNN) Since that, he has held National office?

A He has worked with the National Committee.

Q Isn't he a National functionary of the Communist Party and was prior to January 1952?

A Yes, a functionary of the Party.

Q William Z. Foster, you refer to him as being a person that was here, spoke at a meeting. Who is William Z. Foster?

A Chairman of the Communist Party of the United States.

Q And he was Chairman of the Communist Party prior to January 1952?

A For that period, yes.

Q Do you know Foster personally?

A I have met him. I have a great deal of admiration and respect for him but I don't know him very well.

Q Eugene Dennis, who is Eugene Dennis? Is he a National Officer of the Party?

A He is the National Secretary of the Communist Party.

Q And he was so in January 1952?

A And is.

Q John B. Williamson, do you know him?

A Yes, I know John Williamson.

Q Does he hold an office in the Communist Party?

A Yes, he is Labor Secretary.

Q National Labor Secretary?

A National Labor Secretary.

Q That is the same position that you hold here, isn't it, on a local basis?

A Smaller, yes. I didn't have the same responsibilities but it was mine.

Q Jacob Stachel, do you know Jacob Stachel?

A I have seen him. I don't know him as I know others.

Q Do you know him as a National Officer of the Communist Party?

A I know he is a member of the National Committee of the Communist Party.

Q Robert G. Thompson, do you know him?

A I know him.

Q Is he a member of the Communist Party and a National Officer?

A That's correct.

Q Benjamin J. Davis, Jr., do you know him?

A I do. He is a prominent Negro leader in the

Communist Party, former City Councilman of New York and leader of our Party.

Q He is a leader of the Party, and he also holds National Office and did prior to January 1952. Henry Winston, do you know him?

A I knew Henry Winston.

Q Was he an officer of the Party, the National?

A Correct.

Q John Gates?

A Yes, I knew John Gates.

Q He is also an officer of the Party. Irving Potash?

A I didn't know Irving Potash personally.

Q Do you know that he is or was a member of the National Board?

A Is.

Q Gilbert Green, do you know him?

A I had the same relation with him as with Mr. Bates. I know of him.

Q Was he also a member of the National Board?

A That is correct.

Q Carl Winter?

A The same as with Mr. Green.

Q And he also was a member of the National Board?

A Yes.

Q Gus Hall, do you know him?

A Yes, I know Gus Hall.

Q Was he a member of the National Body as a National Officer?

A He was.

Q Now, did this group that I have just referred to, if you know, come to Baltimore on any occasion to make speeches or to attend meetings? You said that Foster had been here?

A Foster came here and John Gates on one occasion or another came here. Ben Davis came here. That's about all I can remember.

Q Do you remember Winston being here?

A Yes, he came here.

Q How about John Williamson?

A I don't remember.

Q Now, you on your examination in chief, Mr. Meyers, referred to the fact that in February 1948 there was a meeting in Baltimore at which William Z. Foster was a speaker and where did you say that was held?

A Workmen's Circle Hall. It is a public hall we rented.

Q You also made some mention of the fact that Foster had just returned from a trip abroad?

A Earlier. I am not sure just what the time period was. He traveled throughout Europe.

Q Was that the reason for his talk here, that he was giving you a report on conditions of the Party in Europe?

A No, it was a public meeting and it was part of the -- it was at the time that Miss Smith and myself came forward as public leaders of the Party and Mr. Foster was there as a speaker.

Q Isn't it a fact that he did report on his visit to various countries in Europe and as to conditions of the Party in those countries?

A That, I don't think, is true, but I know he talked about so many other things, his trip through Europe. Keep in mind, this was a public meeting held by the Communist Party.

Q I want to call your attention to a book by William Z. Foster called "The Twilight of World Capitalism" and in this book he makes this statement and I am asking you whether or not this statement also was not made at the time of this meeting.

"It was my good fortune to visit the U.S.S.R. numerous times before World War II. On my first visit I had no difficulty in recognizing in the great revolution precisely what I had been fighting for so many years. I traveled far and wide over the country, visiting many localities, and becoming

acquainted with the Russian people. I encountered the revolution's many and difficult problems at first hand, and I watched from year to year the progress made in their solution. I saw the revolution grow and flourish, and never for a moment have I ever doubted that it would succeed, notwithstanding its enumberable problems and powerful enemies. Further along I'll have more to say about how many of these Soviet difficulties and how they were overcome."

Then again he says:

"I had the instructive pleasure of visiting most of these countries during the late winter of 1946 and early spring of 1947. Many of the leaders of the new governments I knew personally as old time workers in the international labor movement."

By these countries, he was referring to Eastern and Central European countries, Poland, Czechoslovakia, Bulgaria, Hungary, Rumania, Albania and Yugoslavia. Latvia, Esthonia and Lithuania had already become affiliated with the U.S.S.R. and he said "I had the instructive pleasure of visiting most of these countries during the late winter of 1946 and early spring of 1947. Many of the leaders of the new governments I knew personally as old time workers in the international labor movement."

Now, isn't that the subject that he talked on

at this meeting that you referred to?

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A No, that is not the subject. He dealt with his travels through Europe, his impressions and some of the questions dealing with the American Zone. You asked if that wasn't what he said. I say no, I don't know what he said.

MR. FLYNN: This book here is in evidence. I think you folks offered it, the 15th National Convention of the Communist Party of the United States.

MR. BUCHMAN: Yes.

THE CLERK: It is Defendants' Exhibit 16.

MR. FLYNN: You have read somewhat from this book --

MR. BRAVERMAN: Was it offered or marked for identification?

THE CLERK: It is marked as an Exhibit.

MR. BRAVERMAN: We have it marked for identification.

THE CLERK: It is in evidence.

Q (BY MR. FLYNN) I notice in this book, Defendants' Exhibit 16, Mr. Meyers, in the back of it, and this is the proceedings, apparently, of the 15th National Convention of the Communist Party of the United States, February 1951, I notice "Greetings from Brother Communist Parties" and the first one is the Union of Soviet Socialist Republics and the Central Committee, which reads this way:

"The Central Committee of the Communist Party

of the Soviet Union extends fraternal greetings to the 15th Convention of the Communist Party of the U.S.A. We wish the Communist Party of the U.S.A. successes in its struggles against reaction, for the vital interests and rights of the working class and all toilers of the United States of America, for the ideological strengthening of the Party ranks, for lasting peace between the peoples.

"May the international solidarity of the toilers in the struggle for peace, democracy and socialism gather strength.

"Long live the friendship between the peoples of the United States and of the Soviet Union.

"Long live the Communist Party of the United States."

It is apparently signed by the Central Committee, Communist Party of the Soviet Union. Were you there when those greetings were received?

A I was. They were greetings from Communist Parties throughout the world.

Q Also the Peoples Democratic Republic of China sent greetings on that occasion and it is signed by the Central Committee of the Communist Party of China.

The Central Committee of the Communist Party of France sent greetings on that occasion; also of Italy and

Hungary and Poland, Bulgaria, Czechoslovakia, Rumania, German Democratic Republic, signed by the Central Committee of the Socialist Union Party of Germany, Wilhelm Pieck and Otto Grotewohl. Then there is another greeting from Western Germany signed by the Executive Committee of the Communist Party of Western Germany. Also greetings from Austria, signed by the Central Committee of the Communist Party of Austria. Also greetings from Great Britain and Canada, Mexico, Brazil, Cuba, Spain, Norway, Denmark, The Netherlands, Northern Ireland -- and here is a good one, Eire -- how they ever got a Communist Party in Eire, I don't know.

THE WITNESS: I could give you some reasons.

MR. FLYNN: It is signed by the Executive Committee of the Irish Workers League.

MR. BUCHMAN: Is this cross-examination?

THE COURT: I assume there will be a question come out of it.

MR. FLYNN: Eire, India, Israel, Algeria, Ceylon, Free Territory of Trieste, Belgium, Australia.

THE COURT: I would not read any more.

Q (BY MR. FLYNN) I want to ask you, all these greetings came in without any solicitation from all over the world to the Communist Party in the United States?

A Fraternal greetings.

Q So that from the Soviet Union and all the way

through, they were advised that there was this 15th National Convention of the Communist Party of the United States?

A The whole country knew they were having our convention. It was not a private thing. It was in the public press. We discussed it for months ahead about the date of the convention selected so that delegates would know when to go to New York. Everybody knew about the Communist Party having this convention, anybody that was interested.

Q It is very apparent that Communists all over the world knew it?

A Not only that, but it was public knowledge to anybody, even Eire.

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Cvy 2:40

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Q (By Mr. Flynn) Now, at that convention, was there a talk by a person by the name of Betty Gannett?

A I think she addressed the convention.

Q The subject was "Some Ideological Tasks in the Struggle for peace." Do you recall her referring to this:

"Next week will be published the splendid report of Comrade Lightfoot made on the occasion of the 33rd Anniversary of the October Revolution, which deals with the role and achievements of the Soviet Union in the context of the present national and international situation.

"The fact remains, however, that we must provide much more material on all aspects of Soviet achievements, answering the specific slanders so venomously spread by the ruling circles and their hirelings. Outstandingly, analysis and data should be furnished on:

" 1. The possibility and necessity for peaceful co-existence and competition between the capitalist and Socialist states and the fundamental principles on which this possibility is grounded, as taught by Lenin and Stalin, and as manifested in the thirty-three years of Soviet foreign policy.

" 2. The conditions of life of the workers, farmers and other strata of the population in the Soviet Union and also in the People's Democracies.

" 3. The peace policy of the Soviet Union,

developing this policy historically, explaining the Socialist foundation for this policy, and why, therefore, the Soviet Union does not pursue an expansionist course.

" 4. The profound and pervasive democracy in the Soviet Union; the participation of the ordinary man and woman in government; how elections are carried through; how local Soviets function -- in order to give the lie to the charge of 'totalitarianism.'

" 5. The role of the Communist Party in the Soviet Union, the Party of Lenin and Stalin, as leader of the victorious October Socialist Revolution, which established the First Workers' State, as vanguard of the working class and the people in the building of Socialism, in carrying through to victory the Great Patriotic War, and now in leading the transition to Communism.

"It is because the great achievements of the Socialist Soviet Union and the role that it plays today in behalf of world peace, naturally, strike a sympathetic cord in the heart of the common people of our country, that the ruling class is driven to every variety of slander and falsification directed at the U.S.S.R. and its great leader Stalin. In this campaign of vilification the imperialists are aided by the motley camp of Social-Democracy, Trotskyism, Titoism, Browderism and clerical-fascism."

Did you hear her make that speech?

H 3

A I don't -- I was at the convention most of the sessions, and I probably heard it.

Q And it was 1951?

A That's right. And it is in that.

Q I think possibly I touched just briefly on this, Mr. Meyers. I would like to be sure of it. I think I asked you just what process you went through when Doctor Blumberg was elected district organizer?

A I have no recollection. I wasn't in the party then.

Q How was Mr. Frankfeld elected district organizer?

A I was in the Army when Mr. Frankfeld was elected district organizer.

Q And I asked you how you were elected, and how many people attended the meeting, and you said you didn't have any recollection, as I recall.

A I said I was elected by the district committee. It was in between conventions.

Q I asked you where it was, and you said you didn't want to answer it?

A That's right. That was my position.

Q Can you tell us whether or not you were approved by the national board? Was your election ever approved by the national board?

A I was elected by the district. The national committee never expressed any opposition.

Q Mr. Meyers, after hearing all of these excerpts having --

A These what? Having what?

Q These excerpts having been read from these classics of Marxism-Leninism, and you having stated you attended school at which they were taught, and you have attended classes at which they were discussed, do you still say that Marxism-Leninism does not advocate the overthrow of the Government by force and violence?

A First on the books, the books were used in study. It is not correct to say they were taught. They were used within the framework in the study of Marxism-Leninism. I say very definitely, conclusively, without any qualifications, that neither the Communist Party nor I teach or have taught the violent overthrow of the Government by force and violence. We do not so teach.

Q I ask you whether or not you say that the doctrines, the principles of Marxism-Leninism did not teach it?

A I say the same thing there.

Q They do not?

A They do not.

MR. FLYNN: That is all.

THE COURT: Any re-direct?

MR. BUCHMAN: Yes, Your Honor.

THE COURT: Of course, the function of re-direct, as

you probably know, is to touch upon only those matters that are new and brought out in cross examination.

RE-DIRECT EXAMINATION

BY MR. BUCHMAN:

Q Now, Mr. Meyers, the books you refer to, the classics, when they are used for study purposes, as you say, are any sentences or fragments picked out for study?

A They are studied as historical documents.

Q The books are studied in their entirety, are they not?

A That is correct.

Q Do you have any idea of how many different volumes contain the philosophy of Marxism-Leninism?

A There are thousand and thousands. I don't know how many. It deals with every aspect of human existence.

Q I think you said that you studied political economy in the school which you attended.

A Yes.

Q Was Marxist "Capital" one of the books that was studied?

A I studied invidually from Marxist "Capital."

Q That book has not been offered in evidence?

A I haven't seen it. I don't think it has.

Q How many volumes does it have?

A There are three volumes of "Capital," and I understand

there is a fourth volume in compilation, of the writings of Marx.

Q Do you know how many pages there are in this volume?

A No. But they are good sized books.

Q These books were written at different periods of time, were they not?

A Yes. They were written from 1848 up until recently, fairly recently.

Q Are these books available for the purpose of anyone wanting that discussion --

A Yes.

Q -- in this country? To your knowledge are they available in the lending libraries?

A I know most of them are.

Q You say these books are available for historical study. Are there any current or contemporary American Marxist literature or American books used by the Communist Party?

A Yes.

Q I show you --

MR. FLYNN: I object. I do not think it is redirect.

THE COURT: If they have not been introduced heretofore, I will have to sustain the objection.

MR. BUCHMAN: I just want to make a proffer of them, Your Honor. I want to have them marked for identification.

THE COURT: I do not think it is redirect examination. I just called your attention to the rule about that.

MR. BUCHMAN: I would like to have them identified and have them rejected, instead of objecting.

THE COURT: You will have to state the ground they will be offered.

MR. BUCHMAN: I want the record to show I am making a proffer of proof.

THE COURT: Proffer of proof on redirect, which is not redirect.

Q (By Mr. Buchman) Mr. Meyers, have there been any works on the writings of Thomas Jefferson, George Washington, Thomas Paine, Abraham Lincoln, circulated by the Communist Party?

A Yes.

MR. FLYNN: I object.

THE COURT: I sustain the objection, because the witness has stated that. Now, redirect examination is to bring out something new or to explain something new in the cross-examination. If you use redirect examination simply to go over matters which have already been testified to, it means dragging out the trial.

Q (By Mr. Buchman) Now, have you been taught or have you ever taught as to the source of force and violence as conceived by Marxism-Leninism literature?

H 8

MR. FLYNN: I object.

THE COURT: I sustain the objection, because the witness told us about that hour after hour yesterday, and was asked the same questions today, and you are now just repeating it.

Q (By Mr. Buchman) Now, Mr. Meyers, I show you this job application that was previously referred to, and I call your attention to where the initials are, the letters "G.A.B." and "C.P." appear. Do you recall whether or not you filled those in at that time?

A I can say now this is not my writing. Anybody that examines it can see.

Q Do you know whether the words, "Lonacowing, Maryland, Allegheny County," were filled in by you at that time?

A That is my writing.

Q Is that the same, to your knowledge, as the printing after "G.A.B." and "C.P."?

A They are not the same. And anybody that examines it can see it.

MR. FLYNN: I object to the answer. It is not responsive. It does not say he did not put it on.

A I did not.

MR. FLYNN: It is not the same.

A I did not. It is obvious it is not the same.

THE COURT: Of course, that denies it. Not so much whether he didn't put it on, as was it there when he signed the application.

Q (By Mr. Buchman) Do you recall whether or not those two blocks in there, marked "G.A.B." and "C.P.", were explained to you at the time you filled out the application?

MR. FLYNN: I object to that.

THE COURT: That, of course, is no evidence yet that it is other than an ordinary English writing, application for employment with the company.

A The Celanese Corporation.

THE COURT: The Celanese Corporation. It is a very plain and simple matter. The object of the question is that he needed somebody to explain it.

MR. BUCHMAN: If the Court please, there are merely two blocks, very small blocks, which say "G.A.B." and "C.P." Your Honor couldn't even find them when you called --

THE COURT: They are both very plainly answered "no." Now, the witness now says that -- first, he said when he was asked about it, he had no recollection of ever having made such a statement about the Celanese Corporation. And he was shown the exhibit, and I will not undertake just to say it. But what he now says, he didn't write the words "no," in there, although he signed the paper. Now, of course, it would be open for counsel for the defendant to show

somebody wrote the "no" in after the paper was signed.

MR. BUCHMAN: If the Court please, the answer shows the lettering is not similar to the other letters he testified is his own. I asked him to explain what the initials were at the time he applied for the job, and that is the question I would like to have ruled on.

THE COURT: You want him to explain. You asked whether somebody explained it to him, what the G.A.B. meant, "German-American Bund" as Mr. Flynn translated it. Of course, I don't know what it means. You can ask the witness if he knows what it means.

MR. BUCHMAN: I would like to have the pending question read to the witness.

THE COURT: Well, read the question.

(Pending question read.)

A I don't recall. I think what happened, we all went back to work and were given this thing to fill out. We filled them out and turned them in.

MR. BUCHMAN: That is all, Your Honor.

THE COURT: Very well. Call your next witness.

(Witness excused.)

Thereupon,

DR. HERBERT APTHEKER,

called as a witness for and in behalf of the defendants,
having been duly sworn, was examined and testified as follows:

CLERK: Your full name?

WITNESS: Herbert Aptheker.

CLERK: A-p-t-h-e-k-e-r?

WITNESS: That is right.

DIRECT EXAMINATION

BY MR. BASSETT:

Q Will you tell us your address, please?

A 1015 Washington Avenue, Brooklyn, New York.

Q Are you married?

A Yes, sir.

Q Have you any children?

A Yes, sir. I have one, a daughter.

Q What is your occupation?

A I am an editor, and teacher, writer, lecturer.

Q Where and when were you born?

A I was born in 1915, in Brooklyn, New York.

Q I suggest you speak a little louder, the acoustics
are very bad in this room, in order that His Honor can hear
you.

THE COURT: I think I must defend the room against
"bad acoustics." It seems to me we have no difficulty in

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hearing the last witness. It is merely a question of speaking loudly.

Q (By Mr. Bassett) Where were you educated?

A I was educated in the public and high schools in Brooklyn, and at Columbia University, in New York City.

Q Did you graduate from the University?

A Yes, sir, I did.

Q What degrees did you acquire?

A I have a Bachelor of Science degree, and a Master of Arts, and a Doctor of Philosophy degree.

Q When did you attain the various degrees?

A The Bachelor of Arts was in 1936. Pardon me. The Bachelor of Science was 1936. Master of Arts in 1937. And the Doctor's degree in '43.

Q Now, the Doctor of Philosophy degree in 1943 was awarded by what University?

A Columbia University, sir.

Q You have indicated you did post-graduate work in obtaining these degrees. In what field did you specialize?

A I specialized in the social sciences, particularly in history, history of the British Empire, and especially the United States.

Q Well, now, are we to understand you attended school up to and through 1943?

A No, sir. In February, '42, I entered the Army.

Q You entered the Army in what capacity?

A As private, in the Field Artillery.

Q Now, how, then, did you acquire your Doctor's degree in 1943?

A Well, I had finished the academic requirements for the degree, and practically finished the dissertation. I finished the actual writing of it in the Army, and received a leave to come back and take the necessary examinations, and passed them successfully, and was awarded the degree in February, 1943.

Q After you entered the Army in February, 1942, how long did you serve in the Army?

A Until April, 1946.

Q That is a little over four years?

A Yes, sir.

Q You were in the Field Artillery all of the time?

A Yes, sir.

Q Did you receive any promotion?

A Yes, sir. I was a private, and then a non-commissioned officer, and then commissioned as a Second Lieutenant, First Lieutenant, Captain, and I was separated from the Service as a Major.

Q In what theaters or areas did you serve?

THE COURT: Mr. Bassett, I assume the witness was not called for his Army experience. Why not come to the

point you wish to examine him on?

MR. BASSETT: If Your Honor please, I was simply trying to establish his qualifications as an expert, and by going through his whole background. I will be very glad to get to the particular field, if Your Honor wishes.

Q (By Mr. Bassett) Very briefly, then, will you briefly tell us what was your military experience, and then we can pass on?

A Well, I served here as an enlisted man and officer. By "here," I mean in the States, in training. And as an officer, I served in the European theater, in France, and Belgium, Holland, Germany, and so on.

Q How did your superior officers rate you?

MR. FLYNN: I object.

THE COURT: Mr. Bassett, it is quite unusual to ask a question like that. In indicating the ground the witness is to cover, he was introduced as a Doctor of Philosophy, having majored in social science at Columbia. Now, what questions relevant to this case do you wish to ask?

MR. BASSETT: Your Honor, I intended to have Doctor Aptheker first qualified for the Jury and the Court as an expert in the field of the Marxism classics. I intend to ask him a great deal about those books, about the proper interpretation of them. I believe Your Honor indicated when we were objecting to the introduction of passages in the

Government's case in chief that we would be provided with an opportunity to indicate what we thought they meant.

THE COURT: That is what I am inviting you to go to, if that is the purpose for which he is called.

MR. BASSETT: Will you permit me to ask some preliminary questions as to his employment and his school where he teaches?

THE COURT: Oh, yes.

Q (By Mr. Bassett) You said, Doctor Aptheker, that you are a teacher? Where do you teach?

A I teach presently at the Jefferson School of Social Science, in New York City.

Q What do you teach there?

A I teach now four courses. One is a course on the philosophy of history. Another is a course on the history of the American Negro people. The third is a course on the history of the United States. The fourth is a seminar course on historical methods and methods of research.

Q What sort of a school is this Jefferson School?

A The Jefferson School is a school of adult education, of a Marxist-Leninist orientation. It is rather a large school. It has three to four thousand students a term, and teaches many varied subjects.

THE COURT: What did you say about a "Marxist-Leninist school?"

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A The orientation of the faculty and the point of view, the philosophy of the school, the type of education which is offered there is of a Marxism-Leninism type.

THE COURT: Shortly, is it the Communist school?

A No, sir, it is not.

Q (By Mr. Bassett) Now, this Marxism-Leninism point of view, does that apply also to courses that you teach there?

A Oh, yes. Of course, certainly.

Q What are some of the other courses that are taught in that school?

A There are courses in biology, anthropology, literature, music, natural sciences, history generally, political science, and so on.

Q You say these courses in music, economics, are taught from the Marxism-Leninism point of view?

A Yes, they are.

THE COURT: I do not quite understand it, really. How can you teach biology by the Marxism-Leninism school? I just don't understand it, as I have certainly been told during this trial that Marxism-Leninism deal with governmental battles and so on, as it was characterized further, in the nature of governmental economy of one kind or another. What has that got to do with biological science?

MR. BASSETT: I intend to make that my next question.

THE COURT: All right. Maybe I will learn from that.

Q (By Mr. Bassett) Will you answer His Honor's question, please?

A Marxism-Leninism, Your Honor, is a philosophy, a world outlook. It is the way we think, a science of looking at all of life and all of life's activities. There is nothing human which is alien to Marxism-Leninism, sir.

For example, if you will allow me, my specialty is history. The Marxist-Leninist view of history is called the Marxism-Leninism materiality, historical materiality, the philosophy, dialectic materialism. This is organic, a whole view of life.

Does Your Honor wish me to expand any further?

THE COURT: No, I do not.

Q (By Mr. Bassett) Now, Doctor Aptheker, you have testified you are a writer. What have you written?

A I have written scores of papers, hundreds of articles and reviews, and several books and pamphlets.

Q What subjects have you done within these writings?

A History, philosophy, psychology, anthropology, economics, and generally current events also.

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Q (By Mr. Bassett): Will you please indicate the names of some of the periodicals that have used this material?

A I have contributed to the American Historical Review, to the American Scholar, Political Science Quarterly, the Pennsylvania Magazine of History and Biography, to the old New Masters Magazine, Opportunity, The Journal of Negro History, Negro Digests, Journal of Negro Education and quite a few more.

Q The pamphlets and books you have written, will you give us the titles of some of those, indicating about when they were published?

A The first appeared in 1938. Its title was "The Negro in the Civil War". This was followed the next year by a work "Negro Slave Revolution in the United States". A third work which appeared in 1940 was called "The Negro in the American Revolution". The fourth volume, which appeared in 1941, was "The Negro in the Abolitionist Movement". In 1943, the Columbia University Press published my dissertation which was called "American Negro Slave Revolution". In 1945 I published a book called "Essays and History of the American Negro". In 1946 a volume appeared entitled "The Negro People in America".

THE COURT: Now, Mr. Bassett, I think that is

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enough for that.

Q (By Mr. Bassett) Doctor Aptheker, then may I ask you if in writing these books, pamphlets and articles, did Marxism-Leninism play any part in the philosophy advocated there?

MR. GREEN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Bassett) Will you tell us whether or not those books, articles and pamphlets were an expression of Marxist-Leninist thinking?

MR. GREEN: I object.

THE COURT: I sustain the objection.

MR. BASSETT: If Your Honor please, may I give the basis of the questions?

THE COURT: Yes, you may inquire and I will answer it, although I have indicated several times that this case does not involve any particular problem with regard to any class of people, race, creed or color, and it seems to me that broad, frequent references that have been made to it are beside the mark in the case.

The issue here is whether these defendants conspired to overthrow the Government of the United States or to teach and advise that overthrow by force and violence.

Now, the injection so much that we have heard in this case of the so-called reference to negroes, I

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think is beside the mark.

MR. BASSETT: Well now, if Your Honor please, it certainly was not my purpose in asking that question - the intent of my question, sir, and I crave your indulgence to let me tell you about it, was that , so it may be clear with reference to further questions, the prosecution has used Marxist-Leninist writings in an effort to show what they contend is a conspiracy designed to advocate and overthrow the Government of the United States by force and violence.

Now, I am asking about a great deal of material and asking the man who wrote it if it is Marxist-Leninist. If it is Marxist-Leninist, then I might ask whether it advocated force and violence.

THE COURT: Who?

MR. BASSETT: The author.

THE COURT: It is not a question whether this gentleman has advocated anything. The only reference that I recall in the Government's case dealing at all with the Negro question was one particular matter in which there was some evidence that the Communist Party, as a Party, advocated the unification of the colored people, sometimes formerly called "Negroes", but here in Baltimore we usually speak of them as colored people, but "Negroes" is the correct legal designation, I believe - whether the

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Communist Party advocated uniting them in the ten Southern States, so-called Black Belt, although that is not a word that I coined myself but borrowed from somebody else in this case - organizing them into a separate nation.

Now, that is the only connection I know of that brings the Negro question in any way into this case. Now, if the witness has any comments or knowledge to impart to the jury on that point, it is relevant.

MR. BASSETT: If Your Honor please, he has very profound knowledge on a great many of those points and I would certainly like to ask him about them. I was trying to lay a foundation for these questions. Now, this business about the Negro, he is an author and wrote some books on that subject. We are not bringing him here to talk about those books but about the teachings of Marxism-Leninism.

THE COURT: Ask a proper question, Mr. Bassett, and I will rule on it.

Q (By Mr. Bassett) Well now, Doctor Aptheker, you have done a good deal of lecturing in addition to your regular teaching at school, as you previously indicated?

A Yes.

Q Will you tell us where you have lectured, briefly?

A I have lectured in many of the leading universi-

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ties in this country and before many public institutions, public assemblages in practically every major city in this country, including this one.

Q The audiences have included people of all persuasions, have they not?

MR. GREEN: I object to the question.

THE COURT: I do not know what the question means, "people of all persuasions". Persuasions as to what, as to theology, militarism, as to Unitarianism or what?

MR. BASSETT: I did not want to be guilty of leading the witness, Your Honor, but the question is whether they were strictly Communist audiences or what?

THE COURT: Ask him that.

Q (By Mr. Bassett) Were they audiences limited to Communist groups or groups and organizations, particularly liberal organizations?

MR. GREEN: I object.

THE COURT: Let him answer it.

THE WITNESS: No, they were audiences of all sorts of people in various universities, churches and so on.

Q (By Mr. Bassett) Would you say that Marxian-Leninism was present in all of these talks?

MR. GREEN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Bassett) Are you a member of the Communist

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Party?

A Yes, I am.

Q How long have you been a member of the Party?

A Since 1939.

Q Do you know the national leaders?

A Yes, I do.

Q Have you worked with them and been consulted by them?

A I have worked with them and consulted them and been consulted by them, yes.

Q You have then studied Marxism-Leninism?

A Yes, I have.

Q Will you mention some of the works on Marxism-Leninism that you have read?

A I have consciously made an effort to read everything that was available in this country on that subject. I have read the three volumes of "Capital". I have read Marx' various historical writings on France, Spain and the United States and Germany. I have read Engels and his "Condition of the Working Class in England", his "Origin of the Family". I have read the joint works of Marx and Engels, such as the "German Ideology". I have read the selected and collected works of Lenin. I have read the correspondence of Lenin, of Marx and Engels. I have read Stalin's "Marxism on the Colonial National Question", the

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Marxist work on Linguistics. I can briefly summarize them in terms of works of Marx, Engels, Lenin and Stalin, I have attempted to read and to study everything that they have written, which is available to me, and I have read, of course, also the works of other leading Marxists throughout the world, both on politics and on other subjects, such as great poets or novelists and so on.

Q (By Mr. Bassett) Doctor, have you received any professional honors in connection with your scholastic work?

A Yes, I have at times.

Q Will you indicate briefly?

A Well, in 1946-47, I was awarded the Guggenheim Fellowship, which is awarded to a rather limited number on the basis of past scholarship. In 1940 I was awarded the district prize by the Association for the Study of Negro Life and History. There have been occasional honors of this nature.

Q All right, now, Doctor, you told the court of your study of Marxism and Leninism for many years because you have read the books and, of course, you have taught. Now, on the basis of those, what do you say of Marxism-Leninism as being something which advocates the overthrow of the United States Government by force and violence?

MR. GREEN: I object.

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THE COURT: I sustain the objection. The reason for that is the Government has offered evidence not only of particular pamphlets and particular passages, which happen to be the authorized books, according to some of the evidence, of the Communist Party, in which reference is made to Marxism-Leninism, but they have also offered evidence of people who have been active members of the Party as to what the doctrine of Marxism-Leninism, as applied and understood by the Communist Party, means.

Now, I do not think it proper to rebut that by calling a history professor and asking whether his ideas of Marxism-Leninism are those of the overthrow of the Government of the United States.

Now, if he is an active Communist and is acquainted with Communistic doctrine, I suppose you can ask him, as other Communists have been asked, whether the Communist Party does teach the overthrow of Government by force and violence. In other words, his view of it as a Communist might be quite relevant in the case, but his view as a mere historian as to whether Marxism-Leninism contemplates the overthrow of the Government of the United States seems to be entirely out of the question.

MR. MEYERS: If Your Honor please, one of the questions put to me was, "Does Leninism-Marxism teach and advocate the overthrow of the Government by force and

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violence?". It was one of the last questions Mr. Flynn asked me.

THE COURT: Anything further, Mr. Bassett?

MR. BASSETT: Yes, Your Honor, I might say that this question was prompted by a question asked Mr. Nowell as a witness who was something or another with the Government and not apparently with the Party. Doctor Aptheker testifies he is at present a member of the Party and is acquainted with and is consulted by the leadership.

THE COURT: You may ask, as a Communist, is that one of the tenets of the Party. Possibly I can help you, Mr. Bassett, by calling your attention to the fact that the Constitution of the Communist Party, offered in this case, starts out by saying that it is a Party organized on the principles of Marxism-Leninism and also of advocating peaceful change in the United States by democratic processes or something like that. Now, to that extent, the term "Marxism-Leninism" appears in the Constitution of the Party and I think you can ask him if he is familiar with the Constitution of the Party and what was his understanding of the term "Marxism-Leninism" is as it is therein mentioned.

MR. BASSETT: That is an excellent question.

Q (By Mr. Bassett): Doctor Aptheker, will you please attempt to answer the question as formulated by the

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Court?

A I would like to have it repeated.

(Question by the Court repeated by the reporter.)

THE COURT: Do you wish to adopt that question, Mr. Bassett?

MR. BASSETT: Yes, if Your Honor please.

THE COURT: Very well.

THE WITNESS: There are two aspects to the question. I am familiar with the Constitution of the Communist Party of the United States. Secondly, the term "Marxism-Leninism" and its relationship to the overthrow of the Government of the United States by force and violence, most certainly does not teach this, absolutely not.

Q (By Mr. Bassett) Doctor Aptheker, in the course of the trial, there have been readings of many passages, extracts from books and pamphlets in the Marxist Library. As a scholar and student, do you think that method of arriving at the meaning of the philosophy is valid?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Bassett) Directing your attention to the Constitution of the Communist Party, what is the recommended technique for studying Marxism-Leninism?

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MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Bassett) How do you teach Marxism-Leninism?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Bassett) How does the Communist Party teach Marxism-Leninism?

MR. GREEN: I object.

THE COURT: If he knows.

MR. BASSETT: If you know.

THE WITNESS: I certainly do know, yes.

THE COURT: How do you know, Doctor? Do you teach it yourself?

THE WITNESS: I teach it, yes, sir.

THE COURT: For the Communist Party?

THE WITNESS: Yes.

THE COURT: Very well.

Q (By Mr. Bassett) Then will you tell us what techniques you use?

MR. GREEN: If Your Honor please, the only reason I object - I don't understand what he means by techniques.

MR. BASSETT: I will translate. It means what method of teaching do you use? Do you read passages, the whole book or how do you go about it?

MR. GREEN: I object.

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THE COURT: Sustained.

Q (By Mr. Bassett) what methods do you use to teach, with the qualifications heretofore brought out?

MR. GREEN: I object.

THE COURT: Sustained. Mr. Bassett, I think there are probably questions which you are entitled to ask the witness but you are not asking them in the form in which I think they are admissible in this case.

Q (By Mr. Bassett) What methods does the Communist Party use in teaching Marxism-Leninism?

MR. GREEN: I object.

THE COURT: I think he said he is a Communist and that he does teach for the Communist Party. Now, the question, and the only question we are interested in, so far as Marxism-Leninism are concerned in this case, is whether it advocates and teaches the advisability or necessity in order to accomplish the proletariat revolution of overthrowing the Government by force as soon as can successfully be done. Now, you can ask the witness whether there is any such doctrine of the Communist Party or not. He says he teaches on the subject. You can ask whether he teaches that or not.

MR. BASSETT: Will you indulge me for a moment, if Your Honor please, have you ruled on the pending question?

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THE COURT: What is it?

(Question repeated by the reporter.)

THE COURT: I sustain that as vague and uncertain. We are not interested in Marxism-Leninism as an abstract doctrine. We are interested in the question of whether it advocates a revolutionary change in government for the purpose of establishing the dictatorship of the proletariat.

Now, if the witness has an answer to give on that subject, he may give it.

MR. BUCHMAN: If the Court please, may I say one word. We are undertaking to develop the testimony of an expert. One of the prerequisites is to show how the Communist Party teaches Marxism-Leninism, in view of the fact that there has been an attempt made by the prosecution to develop it on the basis of certain extracts. We submit that is a valid question.

THE COURT: I am not of the opinion that a broad question like that is open in this case. The case deals with an alleged conspiracy to teach the overthrow of the Government. Now, the reference to Marxism-Leninism, based on readings from some of the books which are either authorized or circulated by the Communist Party. Now, the broad question of what method the Communist Party adheres to in teaching Marxism-Leninism is not the question here at all.

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MR. BUCHMAN: One final word, Your Honor. We submit that the method used by the prosecution is to take isolated sentences and we want to show that is not the method by which Marxism-Leninism is taught.

THE COURT: The way to meet that is precisely what has heretofore been done. Show the witness the excerpts which have been referred to by the Government and ask him whether that does advocate the forceful radical change in the form of the government, and then, of course, he can be asked, I suppose, whether he teaches that or what he teaches.

Q (By Mr. Bassett) Doctor Aptheker, you have testified you have been a member of the Communist Party for the last 13 years. Are you now a member?

A I am.

Q During the time you have been a member of the Communist Party, have you ever used force and violence against the United States?

MR. GREEN: I object.

THE COURT: I sustain the objection because that is not the question in the case.

Q (By Mr. Bassett) During the time you have been a member of the Party, in all your writings, classes and lectures, have you ever advocated the overthrow of the United States by force and violence?

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MR. GREEN: I object.

THE COURT: That again, Mr. Bassett, is not the question. You can ask him whether he has ever taught that, taught the necessity or advisability or, in the language of the Smith Act, the propriety of doing it? Of course, if one had attempted to do it, it would doubtless be very relevant, but the mere fact that one of the Party has not attempted to do it is not the answer to the question of an alleged conspiracy to teach the advisability of doing it.

The witness, as I understand it, has not taught it and, as far as he knows, the Communist Party has not taught it. That, you have gotten into evidence and that, I think, is entirely relevant.

Q (By Mr. Bassett) Doctor Aptheker, you testified you are familiar with the Constitution of the Communist Party. Does that Constitution have anything to say at all about the advocacy of force and violence?

MR. GREEN: I object.

THE COURT: We have heard it read and we all remember that it says no, that it does not advocate force and violence. That is what the Constitution, the words, say, but the meaning of it is for the jury with all the evidence in the case.

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MR. BASSETT: But if Your Honor please, there was some testimony, I believe, in the Government's case as to some special meaning or something about Aesopian language, that it did not mean what it says.

1 THE COURT: Yes.

MR. BASSETT: And it seemed to call for an expert to testify as to what it means.

THE COURT: Ask him whether there is any meaning known to Communists which was not the plain meaning of the words that are used.

Q (BY MR. BASSETT) Directing your attention to that part of the Communist Party Constitution which provides for the immediate expulsion of any member who advocates the use of force and violence, is there any special meaning other than the plain import of those words?

MR. GREEN: Objection, Your Honor.

THE COURT: He may answer the question.

THE WITNESS: There is no meaning there other than the meaning of those plain English words, exactly what they say.

Q (BY MR. BASSETT) Dr. Aptheker, as an historian and expert in Marxism-Leninism, would you comment upon the relationship between the doctrines of force and violence and the development of Marxism-Leninism?

MR. GREEN: Objection, Your Honor.

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THE COURT: Objection sustained.

Q (BY MR. BASSETT) Dr. Aptheker, as a teacher of Marxism-Leninism for the Communist Party, is there a relationship between Marxism-Leninism and the doctrines of force and violence?

MR. GREEN: Objection, Your Honor.

THE COURT: I think the question is quite too general. Is there a relationship?

Now, I want to give you an opportunity, Mr. Bassett, to ask questions which your witness may be able to answer within the compass of the case; but you are not asking them.

Q (BY MR. BASSETT) Can you cite from the Marxist classics any passages dealing specifically with the struggle among Marxist leaders against the idea of force and violence?

MR. GREEN: Objection.

THE COURT: Can he cite any specific passage?

MR. BASSETT: Yes, sir.

THE COURT: He may answer the question.

Q (BY MR. BASSETT) Can you cite any specific passage?

A Yes, there are several passages.

May I refer to notes, Your Honor?

THE COURT: No, you may refer to books if you have them.

THE WITNESS: The notes refer to books that you

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have here.

THE COURT: I think we had better have the books, if the notes refer to the books.

THE WITNESS: Yes, the notes will tell me what books I have in mind. May I do that?

THE COURT: Yes.

(The witness referred to some notes.)

THE WITNESS: A typical passage of that type where a leader in Marxist-Leninist thought points out the hostility of Marxism-Leninism to concepts of the use of force and violence and terrorism.

A typical such passage occurs in a volume which is "What Is To Be Done" which was written by Lenin in 1902 in which --

THE COURT: What year? 1902?

THE WITNESS: 1902, yes.

THE COURT: 1902?

THE WITNESS: Yes.

THE COURT: I thought the Russian revolution was in 1917. I would not like to compete with ^ahistory professor on dates, but I do not see what 1902 has to do with this case.

THE WITNESS: Well, the question which was put to me was whether I could cite passages in Marxism-Leninism.

THE COURT: Well, I would say that 1902 is long

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before we have anything to do with any concern in this case.

THE WITNESS: It is not long before.

MR. BUCHMAN: May I point out that it is material Your Honor because

THE COURT: What?

MR. BUCHMAN: 1848 was referred to with respect to the Communist Manifesto.

THE COURT: I am not talking about the date when Marx wrote his first volume on the subject; but we are talking about the application of various passages to things which existed relatively as to a time, and those that have been referred to, I think were in 1916.

MR. BASSETT: Am I to understand that we will exclude from the testimony all passages that are written prior to 1916?

THE COURT: I won't -- I am not making a ruling quite so definite, but the witness was referring to something as a typical passage written in 1902, fifteen years before the Russian revolution.

THE WITNESS: May I comment upon that, sir?

THE COURT: You may answer it.

THE WITNESS: I will answer it sir, by my answer as I understand the portent of the question, and the question that is put to me there in the theory of Marxism-Leninism,

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can I point out passages in which Marxist-Leninist objectives to the concept of force and violence and terrorism, as a theory, sir, it goes way back, and this deals with that theory with respect to this, and I was asked if there was such a passage.

MR. BUCHMAN: If Your Honor please, it was pointed out to me that the Government placed that particular document in evidence.

THE COURT: Very well. Go ahead.

THE WITNESS: Does the Court wish me to have the book. I have an excerpt note here.

THE COURT: If it is more convenient for you to read, read from what you have.

THE WITNESS: On page 51 of that book, Lenin is talking, sir, of certain developments of terrorists ideas against the Tsar and particularly from the Nihilists, and what he is saying, he is saying that such ideas are contrary to Marxism and must be opposed, and he says on that page that such ideas are, in his words, inopportune and must be opposed, and he says this was important that they should be against terrorism.

Sir, that is a typical passage of Marxist-Leninist objectives on the question affecting Nihilism, Anarchism, and Blanquism.

MR. GREEN: May I ask, Your Honor, that the answer

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be stricken out. The witness was asked about force and violence and he is talking about terrorism, Anarchism, and Blanquism.

MR. BASSETT: It seems to me that that would support the evidence rather than a motion to strike.

THE COURT: The answer may stand.

Q (BY MR. BASSETT) Dr. Aptbeker, you referred to Blanquism. What is that?

A Blanquism was developed by Blanqui, Louis Blanqui of France who lived in the latter half of the 19th Century, and who advocated terrorism. He is one of the opponents against which Marx and Engels fought, people like Blanqui, Bakunin and Most.

Q Can you cite other passages with respect to this doctrine of force and violence dealing with the exact language of force and violence?

A Yes, there are many such passages developing the principle of opposition of Marxism-Leninism to this concept of force and violence as a means to overthrow this government or any other government.

Q Can you make a specific reference to any of them?

A I would like to if I may, sir.

THE COURT: Yes.

THE WITNESS: I would like to cite two references to two volumes to begin with which come, as I understand it,

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from documents submitted in this case, two of which come also in works by Stalin, and in the case of Joseph Stalin quoting Lenin.

He is quoting from Lenin's book called "Left Wing Communism an Infantile Disorder."

The first of these passages is in Stalin's book "Foundations of Leninism" and it occurs at page 45. It is a brief passage, and he is quoting Lenin, as I say.

MR. GREEN: If Your Honor please, may I ask that the witness read the passage if that is what is desired rather than summarizing it or characterizing it.

THE COURT: Well, he is a history professor, and I think that some of us, certainly I know from experience that is how hard it is for a history professor to be asked about the text of anything. He is going to read this.

THE WITNESS: May I comment upon that as it is a personal reference?

THE COURT: Yes. Surely we give everybody an opportunity to answer anything if there is an adverse comment.

THE WITNESS: This cannot be done by taking excerpts and simply reading them, as my aim in testifying here is to testify to the truth as I see it.

Now, the quotation reads as follows:

"The fundamental law of revolution, which has

been confirmed by all revolutions, and particularly by all three Russian revolutions in the 20th Century, consists in the following: it is not enough for revolution that the exploited and oppressed masses should understand the impossibility of living in the old way and demand changes; for revolution it is necessary that the exploiters should not be able to live and rule in the old way. Only when the 'lower classes' do not want" -- which is italicized -- "do not want the old way, and when the 'upper classes' cannot carry on in the old way -- only then can revolution triumph."

The second quote which I have in my excerpt from Stalin's writings is in "Problems of Leninism" which occurs on page 49, and once again I just wish to state, since this may be forgotten, but Stalin is quoting Lenin, as I said before:

"Revolution is impossible without a change in the views of the majority of the working class and this change is brought about by the political experience of the masses."

There are, Your Honor, two or three more passages directly pertinent to the question which was put to me, and if I have your permission, I may read them.

THE COURT: Yes, I think you may. The jury should try to follow these quotations or excerpts and

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compare them with the excerpts that the Government has read and which they contend are to the contrary.

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THE WITNESS: /Excerpts which I have, and if I may repeat, sir, this goes against my grain, this excerpting.

This is from an article in the New York Daily Tribune, November 25, 1851, which is an article by Karl Marx, who was in Europe for the New York Tribune, he was a correspondent.

THE COURT: Well, that is going pretty far back, isn't it?

THE WITNESS: No, sir, not in terms of the theory of Marxism-Leninism.

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THE COURT: Well, I know, but we are not interested in it. We are trying to make it plain merely on the theory of Marxism-Leninism. The question here is whether the Communist Party - one question - was organized to teach the duty and necessity of overthrowing the Government of the United States. The mere theory of Marxism-Leninism is what we are interested in, except insofar as the constitution of the party uses reference to it.

WITNESS: Is the whole --

THE COURT: As it is used in the constitution of the party.

MR. BUCKMAN: If the Court please, I want to point out that the initial Government exhibit is the Communist Manifesto, written in 1848, which they have offered as part of the representative samples of Marxism-Leninism.

THE COURT: This present constitution is from something in 1851.

MR. BUCHMAN: My point, sir, it is not limited simply to this constitution that we are trying to get through. It is an over-all view and not an isolated, fragmentary view of Marxism-Leninism.

THE COURT: I will let him do it. Perhaps my last comment already would --

MR. GREEN: May I interject, Your Honor, the Manifesto and the other clarification there has been with

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regard to each one now admitted into evidence, the testimony of one or other witnesses that they were taught or in common use of the Communist Party from '45 to today.

THE COURT: They are presently taught. It may be that this witness can say what he is reading from, published in 1851, is presently taught also. But you are quite right, Mr. Green. It was because the witnesses for the Government on your side of the case did say these books were being currently presently taught that made them admissible. Now however, it may be that Mr. Bassett can develop that this passage written in 1851 is being currently taught also.

MR. MEYERS: I think an examination of the record will show that from the defense witness the testimony was secured that Marxist classics were used in the teachings, and that under no circumstances that inference was given these were taught as you would teach two and two makes four, and four and four makes eight. We are not taught they were used in the study of Marxism-Leninism.

THE COURT: Mr. Bassett, you may ask your question.

MR. BASSETT: Your comment and Mr. Green's, and your ruling as to the fact of the testimony about these books, all of the quotations he has read up to this one have been from books which the Government introduced. So this discussion is limited only to one little piece, written in English by Marx, and it seems to me it is quite clear.

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THE COURT: He may read it.

A This appears in a volume, which I believe is here, "Selected Works," Volume 2, published by International Publishers about fifteen years ago, from my memory, page 40. It first appeared in the newspaper which I mentioned to the Jury.

Here is what Marx wrote. I am quoting now.

"The times of the superstition which attributed revolution to the ill will of a few agitators have long past away. Everyone knows nowadays that wherever there is a revolutionary convulsion, there must be some social want in the background which is prevented by outworn institutions from satisfying itself. The want may not be felt as strongly as generally as might insure immediate success. But every attempt at forcible repression will bring it forth stronger and stronger until it bursts its fetters."

End of quotation.

THE COURT: I think we are already at the hour of adjournment. Four o'clock. We will adjourn until ten o'clock tomorrow morning.

(Thereupon, at 4:00 p.m., the trial of the above entitled case was adjourned until 10:00 a.m., March 26, 1952.)

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BRIGHT WATER

I certify that the foregoing is a true and correct transcript of the proceedings in the above case.

Marion J. Owens

Allen R. Hartough

Charles G. Coney

Official Reporter