

O. BOWIE PUCKETT  
SPEC. ASST. ATTORNEY GENERAL  
1209 MURPHY BUILDING  
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

Wednesday, March 26, 1952

Volume XIII

(Page <sup>2019</sup> to page 2179)

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>Cross</u>
Dr. Herbert Aptheker	2022(BA)	2143(G)
Alexander Joseph Allen	2132(BR)	
Southgate Morrison	2140(BR)	

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EXHIBITS

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Dorothy Oppenheim Blumberg, and :  
MAURICE LOUIS BRAVERMAN :

Criminal No. 22322

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Baltimore, Maryland  
Wednesday, March 26, 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 Leroy Hand Wood:

MR. HAROLD BUCHMAN

For the Defendant Dorothy Rose Blumberg:

MR. CARL BASSETT

For the Defendant Maurice Louis Braverman:

MR. MAURICE LOUIS BRAVERMAN

For the Defendant Leroy Hand Wood:

MR. JAMES T. WRIGHT

For the defendant George Aloysius Meyers:

MR. GEORGE ALOYSIUS MEYERS

Cvy 10am

P R O C E E D I N G S

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

THE COURT: I think there was a witness on the stand yesterday when we adjourned.

THE CLERK: Take the stand, Doctor.

Thereupon,

DR. HERBERT APTHEKER,

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

THE COURT: Proceed, Mr. Bassett.

DIRECT EXAMINATION (continued)

By Mr. Bassett:

Q Dr. Aptheker, you were in the middle of answering my last question when we stopped yesterday. Will you please complete your answer?

THE COURT: Hadn't you better repeat the question. I am afraid it may be vague to the memory.

MR. BASSETT: Very well, Your Honor.

Q (BY MR. BASSETT) The question was directed to the doctrine of force and violence as taught by the Communist Party and specifically asking with reference to the use of the language "force and violence"?

A I was in the course of offering to the jury certain quotations from Marxist-Leninist works, substantiating the

position of opposition to force and violence and terrorism. I had read to the jury two quotations from Stalin and a quotation from Karl Marx and, as I said, there are two or three more, which are as follows: One is made by Karl Marx in 1878 and the only reference that I have to offer to the jury to make this clear is that his quotation begins with a reference to a man named Eulenberg, who was the chief prosecutor of the Prussian monarchical government, which brought charges against Communists for use of force and violence. Marx is writing this in reply to that charge. This is his reference to Eulenberg on it. The quotation is fairly long but I think rather important.

THE COURT: Could you state the substance of it without reading it at great length?

THE WITNESS: Well, sir, it is a typed page and I think it is rather important.

THE COURT: Very well.

MR. GREEN: May I ask the Doctor to state in what volume it is reprinted, if it is reprinted?

THE WITNESS: Yes, I certainly will. Do you want that now, Mr. Green?

MR. BASSETT: You might, Doctor, please.

THE WITNESS: It is quoted in A. Landy, "Marxism and the Democratic Tradition" which is published by International in 1949. The pages, Mr. Green, are 173 to 174.

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Are you ready for it to be read now, Mr. Green?

MR. GREEN: That is for you to determine, Doctor.

THE WITNESS: I am ready.

MR. GREEN: I am ready.

THE WITNESS: This is the quotation written by  
Marx:

"What Eulenberg actually wants to say is the peaceful development toward the goal is only a stage which is to lead up to the final development of the goal and then later transformation of the peaceful into a violent development arises for Mr. Eulenberg from the nature of the desired goal. The goal in these cases is the emancipation of the working class and the transformation of society involved in this emancipation.

"The fact, however, is that historical development may remain peaceful only as long as those who hold power in society at a given time do not place any violent obstacles in the way. If, for example, Marx says the working class in England or in the United States should win a majority in parliament or in congress, it could legally abolish those laws and institutions which obstruct its development and it could do this only to the extent that social development exhibits such obstructions, and yet the peaceful move-

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ment could turn into a violent one as a result of the insurrection of those interested in the old order if they are crushed by force, as they were in the American civil war and in the French revolution. It is as rebels as against the legal power, but what Eulenberg preaches is violent reaction on the part of those in power against the course of development proceeding peacefully apparently in order to prevent violent conflicts of the social class.

"This is the battle cry of violent counter revolution against what is actually the peaceful development of the revolution. In point of fact, the government of Prussia is attempting to crush by force the development which displeases it, but which is legally unassailable.

"This is the necessary introduction to violent revolution. It is an old story but it remainstrue."

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THE COURT: Is that all of the quotation?

A That concludes that particular quotation.

THE COURT: Was that not written in a period in the history of Germany when there was a very marked policy of agitation of one kind or another, as a consequence of which, among others, a number of Germans came to this country through Karl Schurz.

A No, sir. This is thirty years later. Your Honor has reference to 1848.

THE COURT: I am talking about 1848. I thought you said that period.

A No, sir. I am sorry. I said 1878.

THE COURT: 1878. Very well.

A Now, in concluding these quotations on this point, I would like to bring the matter home into our own country, our own time, and I now wish to quote from Mr. William Z. Foster, who is national chairman of the Communist Party of the United States.

The quotation which I offer you comes from a book by Mr. Bert Andrews, who is a reporter for the New York Herald Tribune. Mr. Andrews submitted questions to Mr. Foster, and published the replies in his book, in Mr. Andrews' book, which is called "Washington Witch Hunt," published by Random House in New York, in 1948. The quote which I am offering is from Page 169.

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Has that book been shown, Mr. Green?

Mr. Foster is replying to this specific question, and he says: "American Communists have always recognized the historic fact that parties with various social programs cannot secure governmental power by conspiratorial methods or by minority coup d'etat.

"The phrase could mean 'minority overthrow of the state.' They must have with them an overwhelming majority of the population. The danger of violence in such situations always comes from the reactionary elements who refuse to bow to the democratic will." End of quotation of Mr. Foster of 1948.

The fact is that this concept of majority will of opposition from reactionary forces, of their resort to force and violence, first, to prevent the coming into being of majority will, is of the essence of the theory of Marxism-Leninism, and of the Communist Party. It is also of the essence of the American doctrine of the right of revolution, in the Declaration of Independence and in the Constitution of the State.

MR. GREEN: If Your Honor please, if this is voluntary information by the witness, I didn't realize there was any question pending.

THE COURT: He is quoting from some speech or answer made by Foster, the national chairman of the Communist

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Party, to some newspaper reporter who interviewed him.

A No, sir, I am not.

THE COURT: Well, I certainly got that impression.

A I am sorry, sir. I didn't mean to give it. I thought I had said I was finished with the quotation from Mr. Andrews' book, "Washington Witch Hunt."

THE COURT: Very well. Go on.

A I was making --

THE COURT: I am afraid I am a little confused, the way you started out by referring to something that Foster had said to a reporter of a certain paper. And you say not what you have just read is contained in a book written by --

A Mr. Andrews.

THE COURT: Andrews. What Andrews is that?

A Bert Andrews, sir.

THE COURT: In a book which he calls "Washington Witch Hunt."

A Yes, sir.

THE COURT: And when was the book written?

A 1948, sir, published then.

THE COURT: Well, isn't the language of Mr. Andrews you were reading also the language of Foster?

A It was the language of Foster, sir. He was replying to a question of Mr. Andrews.

THE COURT: Then my misinterpretation was only

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in that the reply made by Foster was made to Andrews rather than to some person else.

A Yes, sir. And, in addition sir, I think that you do not catch me apparently when I indicated I had concluded the quotation from Mr. Foster.

THE COURT: Very well. Go ahead.

A I was summarizing the essence of these quotations. And I was saying that the quotations which I have offered you from Stalin and Marx and from Foster reiterate that which is the essence of the theory of revolution of the Communist Party of Marxism-Leninism, namely, revolution is impossible without the will and the agreement of the majority of the people, and that the only explanation of violence which may occur, and historically has occurred with revolutions, as our own Revolution, comes when the will of the majority is legally and peacefully expressed, is violent resistance by those who rule.

This is of the essence of the theory of the Communist Party on the revolution.

Q (By Mr. Bassett) Doctor Aptheker, I would like to show you Government Exhibit Number 6, which is entitled "Problems of Leninism."

A May I interrupt one second. May I say, sir, that I am terribly sorry, but in turning my notes, I found

one more quotation directly relevant to this, which I feel is rather important. It is a half page. May I have permission to read it, please?

THE COURT: Well, of course, ordinarily the witness is asked questions by the lawyer, but if you wish to supplement what you have already said, I think you can do so.

A Thank you, sir.

There is one more quotation I wish to offer, in terms of this force and violence. This is from Engels. He wrote it March 6, 1895. It occurs in his introduction to a book by Marx, which is called the "Class Struggles in France," published by International. It occurs on Pages 27 to 28. 1895. Engels. Quote.

"The irony of world history turns everything upside down. We, the 'revolutionaries,' the 'rebels'-- we are thriving far better on legal methods than on illegal methods and revolt. The parties of order, as they call themselves, are perishing under the legal conditions created by themselves. They cry despairingly with Odilon."

He uses a French phrase. "Legality is the death of us; whereas we, under this legality, get firm muscles and rosy cheeks and look like eternal life. And if we are not so crazy as to let ourselves be driven into street fighting in order to please them, then nothing else

is finally left for them but themselves to break through this legality so fatal to them."

THE COURT: What is the French you did not read?

A "La Legalite Nous Tue." "Legality is the death to us."

THE COURT: "Legality." That phrase again, in French.

A "La Legalite."

THE COURT: "A est?"

A "Nous tue." "N-o-u-s. T-u-e."

"Legality is the death of us," referring to the reactionaries, that they hold to. Understand, Your Honor, it has reference to the reactionaries, that the legality is the death to them.

THE COURT: As I get it, the point which you are saying, although violence recognized by Marx as necessary occurred in some stage of the revolution, the violence would not be started by the revolutionists, but would be started by the people who do not want a change in social order.

A The only addition I would make to that, sir, he does not say it is necessary. He says that where violence does occur in revolution, the violence comes from those in power.

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THE COURT: In other words, if there are laws of the United States in force, and we have an army, if necessary, to enforce them, that is the violence which is to be overcome by a party which wants the change in society.

THE WITNESS: No, sir.

THE COURT: You may proceed, Mr. Bassett.

MR. BASSETT: Thank you, Your Honor, and I might say that several subsequent questions bear directly and specifically on the point which Your Honor raised and we hope we will have an opportunity to develop them very fully.

Q (BY MR. BASSETT) Now, Dr. Aptheker, I would like to direct your attention to Government Exhibit 6, page 7, which is the first page of the text, and the very first paragraph which purports to be a definition of Leninism, and it is a very short line.

"Leninism is Marxism in the epoch of imperialism and of the proletarian revolution. Or, to be more exact, Leninism is the theory and tactics of the proletarian revolution in general, the theory and tactics of the dictatorship of the proletariat in particular."  
Now, can you tell us what the Communist Party teaches and what you taught as a teacher when you used that passage there?

MR. GREEN: I object to that question.

THE COURT: What?

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MR. GREEN: I object to that question.

THE COURT: Why?

MR. GREEN: I think the language in that book, that is say the ordinary interpretation of the language in the book, and it is for the jury and does not depend on what the witness says with respect to taking certain words or certain things in a book or what he teaches on the basis of them.

MR. BASSETT: Will your Honor hear me?

THE COURT: That is correct, of course. I thought the question was broader than that, though.

MR. BASSETT: Would Your Honor care to hear our position on that matter?

THE COURT: Your position or the witness' position? The present question is whether the question is a proper question, and Mr. Green makes an objection which sounds plausible, to start with, but it is not what this witness personally teaches unless he is teaching as an authorized teacher for the Communist Party.

The evidence of the Government on that point was by a witness -- and of course it is what the jury thinks about it, and it is for them to determine -- was by a witness who at the time was an official spokesman and lecturer for the Communist Party.

Now, his evidence was admitted only for that

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particular purpose in connection with his teaching. Now, you are asking this witness, in part at least, what he personally teaches in this school that he has referred to.

Now, the individual views would not be necessarily the Party views nor would they necessarily be in opposition to the Party views.

MR. BASSETT: May I then leave off the first half of my question.

Q (BY MR. BASSETT) What does the Communist Party teach with reference to that particular quotation?

MR. GREEN: I object to that question. There is no testimony here that this man teaches in a closed Communist Party school.

THE COURT: You have to show, Mr. Bassett, that he is an authorized lecturer or professor for the Communist Party, just as the Government witness was required to do that.

MR. BASSETT: If Your Honor will indulge me a moment.

If your Honor please, on page 2004 of the transcript in which the question was asked:

"Dr. Aptheker, you have testified you have been a member of the Communist Party for the last thirteen years. Are you now a member?

"Answer: I am."

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Then again the Court held at page 2002, or it was a comment, not a ruling:

"I think he said he is a Communist and that he does teach for the Communist Party."

It is on that basis that I asked the question.

THE COURT: Ask him now whether he is an authorized teacher for the Communist Party. Does he hold classes and teach for the Communist Party as an officer or authorized lecturer for the Party? Is he in an authorized position in the Communist Party?

Q (BY MR. BASSETT) Would you answer that question as fully as you can, Dr. Aptheker?

A I have in the past been frequently asked to teach for the Communist Party and I have done so. I have in the past been asked to represent the Communist Party in presenting its position not only in such classes but in public debates.

I debated as a representative of the Communist Party on Marxism-Leninism, officially so, and everybody knew it, at Harvard University where I debated publicly with Professor Schlessinger about two years ago, at Columbia University where I debated with Professor John Herman and Randall, at City College again where I debated with Professor Harry David, and Queens College, as a Communist, a member of the Communist Party on Marxism-Leninism, and

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I debated that question and I represent the Party, and a Party member, and I do so now, and I do so very proudly indeed.

THE COURT: Are you here so now as a witness in this case?

THE WITNESS: As a witness in this case, as a member of the Party?

THE COURT: Yes. Are you here designated or requested by the Communist Party?

THE WITNESS: I am here at the request of the defendant Mr. Meyers.

THE COURT: Very well.

Q (BY MR. BASSETT) Would you be kind enough to proceed with your answer?

MR. GREEN: I still object to the question, Your Honor. I think whether or not this witness has taught as a representative of the Communist Party in open public gatherings is immaterial in this case.

THE COURT: Mr. Bassett, I think you had better frame your question again and then I will pass on it.

What are you asking him now?

Q (BY MR. BASSETT) Dr. Aptheker, I direct your attention to Government's Exhibit 6 and to the specific passage, the definition from it and ask you what the Communist Party taught when they made reference to this

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passage?

THE COURT: Well, what is the passage? Read it to the jury.

MR. BASSETT: "Leninism is Marxism in the epoch of imperialism and of the proletarian revolution. Or to be more exact, Leninism is the theory and tactics of the proletarian revolution in general, the theory and tactics of the dictatorship of the proletariat in particular."

THE COURT: Well, that language of itself is clear enough. Why do we need anything in the nature of an exegesis to get the meaning of those words?

MR. BASSETT: Because, Your Honor, the witness Crouch purported to say at page 496 of the transcript what that passage was, and it is the position of the defense --

THE COURT: What did he say? What did Crouch say about that?

MR. BASSETT: He said, sir, and he said it over objection --

THE COURT: Was it in connection with that particular passage?

MR. BASSETT: It was, yes.

THE COURT: What did he say about it?

MR. BASSETT: "Mr. Flynn: I want to say this has been marked 'Government Exhibit 6 for Identification.' Tell us what page this is on.

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"The Witness: Page 7, and I am reading from some quotation by Joseph Stalin of himself in another book entitled 'Foundations of Leninism'. He is repeating here what he said in 'Foundations of Leninism'."

THE COURT: Well, what did he say? Just state what Crouch said.

MR. BASSETT: Well, his answer is short, and you have to have the "Foundations" to understand what he says, and he sets it forth on that page as the teaching of the Communist Party in the United States with respect to overthrowing the United States, and it is the position of the defense that this in no way indicates --

THE COURT: Well, I do not see what you are referring to with respect to Mr. Crouch's testimony that it undertakes to be based upon the quotation that you just read.

Now, if there is anything in Crouch's testimony or that of any other Government witness which gives an interpretation for the Communist Party of the language which you just read, of course, you have a right to offer other evidence, if it is qualified, on that same subject; but I do not for the moment see that the language which you just read is other than <sup>the</sup> clear use of the English language, and I do not see that it of itself has anything to do with the subject of force and violence.

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MR. BUCHMAN: If Your Honor please, if I might say the Government witnesses used the expression of proletarian revolution and so on, and indicated they were connected with the violent overthrow of the Government by force and violence.

THE COURT: Well, now, that is another matter, Mr. Buchman.

MR. BUCHMAN: Well, the particular reference --

THE COURT: May I --

MR. BUCHMAN: Pardon me, Your Honor, I am sorry.

THE COURT: It is perfectly permissible for Mr. Bassett, if he desires to do so, to ask this witness his understanding from the standpoint of the Communist Party of what is meant by the proletarian revolution. Several witnesses have testified to that for the Government and you can ask him that also as part of your case, but that is quite different from reading him a sentence and asking him what he thinks about that sentence. That sentence does not seem to me to teach a meaning.

MR. BUCHMAN: As I recall Mr. Crouch's testimony, the exact quotation was introduced by the Government from which Mr. Crouch drew those conclusions and that is why we offered his testimony based on that same quotation.

THE COURT: Read it again. I do not want the jury to get confused about these matters and it is a little

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difficult perhaps to keep them entirely straight. Just read it.

MR. BASSETT: "Leninism is Marxism in the epoch of imperialism and of the proletarian revolution. Or, to be more exact, Leninism is the theory and tactics of the proletarian revolution in general, the theory and tactics of the dictatorship of the proletariat in particular."

THE COURT: What is your question based on that?

MR. BASSETT: My question, sir, was, what does that mean to Communists? What do Communists mean when they teach that? What does it mean? It has been introduced and read and purports to have some significance. We did not bring it in. I am asking an expert on the subject about just what it means.

MR. GREEN: I object, if Your Honor please, to asking the witness to say what a particular passage means. I further object on the ground that this witness is not qualified as an expert or as a representative of the Communist Party on their doctrine and unless and until there is testimony that he has taught in closed Communist schools rather than in open Communist schools or meetings --

THE COURT: The question is not a simple one such as we have in many cases of fact. It is pretty difficult for me to remember all that the Government witnesses said

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on a point. I will give the defendants, of course, equal opportunity to bring to the attention of the jury things that they regard as important. I overrule the objection. The witness may answer it. Please answer it briefly, if you can, because I am not sure whether the answer may be responsive or relevant. Answer it as briefly as you can.

THE WITNESS: It would help me if I had the quotation. In accordance with your instructions, sir, I will answer briefly, as briefly as I can and try to make it as relevant as I can to the question of force and violence.

The first and main point there is the indication of the quotation of the peaceful nature of Marxism, that it is a science which grows. That is why the first sentence of the quotation says that Leninism is Marxism of the imperialist effort, which is of the period following the death of Marx.

Then, that is the first point as briefly as I can make it. The second is the epoch of imperialism refers to the era of approximately the past eighty years, in which the Communist Party says and Marxism-Leninism say there has developed a great conglomeration, a concentration of economic power in the hands of a few monopolists, such as, for example, the monopoly present being sued by the United States Government, the duPont Monopoly.

THE COURT: Now, Mr. Witness, I think you are going

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beyond the proper scope of that question. Please do not try to inject into your answers in this case views with regard to monopolies and so on that are matters of law and enforced by the United States Government, and different people have different views about it and please leave out unnecessary references to what you regard as monopolies. Those questions will have to be determined in the Courts of the United States.

THE WITNESS: If Your Honor will permit me to say so, monopoly is of the essence of the Marxist-Leninist concept of imperialism. It is impossible to understand what Communists mean by imperialism unless you understand that monopoly capitalism is of the essence of their definition of imperialism. That is what I was trying to bring out, sir.

THE COURT: Go ahead with your answer. I think unnecessary references to particular alleged monopolies are inappropriate in the case.

THE WITNESS: All right, sir, I understand that now. So, in this epoch of such concentration, the centralization of financial and industrial control, the first sentence is saying that Leninism is the development and the application of Marxism to this period.

The next major feature of this is that this paragraph is saying -- and Marxism-Leninism says, that in this

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period of imperialism the impending social change is the change of power, the control of the state from the hands of these few monopolists in the hands of the working class and their allies, particularly the farming masses, the vast majority of the people.

The paragraph then is saying that in this epoch of imperialism, this is the social change that is of the essence of that epoch.

It is further saying when it uses the term "proletarian revolution" in general, it is referring to this process, to the social process of the change from one group holding power to another, from a small minority in this case to the vast majority of the people.

There is nothing in this concept in terms of the advocacy of force and violence. The concept of revolution to Marxism is the concept of process, the social change. Force and violence is in no way implicit in the concept of revolution in the science of Marxism-Leninism, and as I tried to say, reading it and developing these paragraphs on the previous citations, Marxism-Leninism holds that in revolution -- and it does not have to be proletarian -- it can be bourgeois such as our American revolution, in revolution in general, where you do have such violence, the violence comes from the minority whose power is threatened by the will of the majority, who want a change, and when

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this minority see that they do want it, that enough of them want it strongly enough and fear that they can no longer rule in the old way, then, if the violence comes, it comes because this minority illegally turns to force and violence to crush the peaceful majority, democratic aspirations, of the masses of the people, as has happened in history many times, including our American revolution and our American civil war.

THE COURT: I suggest that the witness answer the next question. What is the next question, Mr. Bassett?

THE WITNESS: I am glad to hear I answered the question.

Q (BY MR. BASSETT) Dr. Aptheker, witnesses for the prosecution have said that the advocacy of force and violence is the essence of Marxism-Leninism. Are there any examples from leading proponents of Marxism-Leninism in which you can find or show the advocacy and teaching of a peaceful transition from the present state to the envisaged future state?

MR. GREEN: I object.

THE COURT: If you relate it to the present, I would probably admit it, but the witness has already indicated that he has given many of his answers based on many years of history in the past. Now, I think you will have to make the question, Mr. Bassett, a little more relevant

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than you have in asking for illustrations of what you refer to as peaceful revolution. Of course, the outstanding illustration that may occur to you and which you can ask about, if you desire, is how we affect amendments to the constitution of the United States, which is, of course, by act of congress, ratified by three-fourths of the states of the American union. That is the way in which peaceful revolution can be brought about in the United States. That, I think, would be a modern instance of peaceful change, of which we have had some twenty-two now, I think, in the history of the country.

I sustain the objection unless you make the question more specific and with reference to the situation which we have in the United States.

MR. BASSETT: Will Your Honor hear me?

THE COURT: Yes.

MR. BASSETT: I believe that the ruling on the objection was raised by the defense to the use of historical matters and was to the effect that so long as these materials were currently still in use, they would be admissible.

THE COURT: That is true.

MR. BASSETT: And I will now ask a second question after this and rephrase my question to limit you, sir, only to the list of materials currently in use.

THE WITNESS: I have used no other materials.

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Q (BY MR. BASSETT) Before you do that, would you care to comment on the indication of the Court as to one of the ways of achieving a peaceful revolution?

MR. GREEN: I object to the witness commenting.

THE COURT: Of course, that is not in accordance with our rules of evidence.

MR. BASSETT: Very well, sir.

Q (BY MR. BASSETT) Dr. Aptheker, can you cite some specific references dealing with the peaceful transition in materials currently used by the Communist Party?

MR. GREEN: I object.

THE COURT: I will overrule it.

THE WITNESS: I can.

Q (BY MR. BASSETT) Will you please proceed.

A Sir, may I ask the Court a question?

THE COURT: I think you better not, Professor.

THE WITNESS: I will turn to the question as to peaceful transition present in Marxist-Leninist works currently published and currently used by the Communist Party. Where objective conditions exist, Marxism-Leninism has envisaged and hoped for its peaceful transformation from the following facts.

MR. GREEN: Is this a quotation?

THE WITNESS: Yes.

MR. GREEN: Very well, then.

THE WITNESS: This is the History of the Communist Party of the Soviet Union, where Stalin -- I want to see if I can give you the page, page 186, where Stalin is referring to the spring of 1917 and to the fact that Lenin hoped and worked for a peaceful transition and he says:

"Of the efforts to win over the leadership, Lenin envisaged here the possible development of the revolution."

And then on page 186, even later, in October 1917, as may be found in the selected works of Lenin, volume 6, pages 248-249, you will find there a page headed -- and I am quoting -- "Peaceful Development of the Revolution." This is as late as October 1917, that page which is headed, as I gave you, and I now read from it briefly -- I am quoting now, October 1917:

"The democracy of Russia, the Soviets and the socialist-revolutionary and the Menshevik parties, are now confronted with the opportunity, very seldom to be met with in the history of revolution, of securing the convocation of the constituent assembly at the appointed date without further delay, of saving the country from military and economic catastrophe, and of securing a peaceful development of the revolution.

"If the Soviets now take the full and exclusive power of the state into their own hands, with the purpose of carrying out the program set forth above, they will not only be guaranteed the support of nine-tenths of the population of Russia -- the working class and the vast majority of the peasantry -- but will also be guaranteed the great revolutionary enthusiasm of the army and the majority of the people, without which victory over famine and war is impossible."

This is during the first World War and characterizing the peaceful development of the revolution.

"By seizing power now -- and this is probably their last chance -- the Soviets could still secure a peaceful development of the revolution, the peaceful election of deputies by the people, the peaceful struggle of parties within the Soviets, the testing of the programs of the various parties in practice, and the peaceful transfer of power from party to party.

"If this opportunity is allowed to pass, the entire course of development of the revolution, from the movement of May 3d (April 20) to the Kornilov Affair, points to the inevitability/a bitter civil war between the bourgeoisie and the proletariat. Inevitable catastrophe will bring this war nearer. To judge by all the signs and considerations comprehensible to the human mind,

this war is bound to terminate in the complete victory of the working class and its support by the poor peasantry in carrying out the program set forth above. The war may prove arduous and bloody and cost the lives of tens of thousands of landlords and capitalists, and of army officers who sympathize with them. The proletariat will stop at no sacrifice in order to save the revolution, which is impossible a part from the program set forth above. On the other hand, the proletariat would support the Soviets in every way if they were to avail themselves of their last chance of securing a peaceful development of the revolution."

One final word.

MR. GREEN: May I ask you, you say that was from the History of the Communist Party?

THE WITNESS: I didn't say it was from the History of the Communist Party. The first quotation was. I said this was from Lenin's selected works, volume 6, pages 248-9. There is just one more of these extracts. The last one I want to offer is headed "Peaceful Transition Without the Violent Resistance of the Minority" comes in here in Stalin's "Foundations of Leninism", in 1924, in which he said on page 56:

"Of course, in the remote future, if the proletariat is victorious in the most important capitalist

countries, and if the present capitalist encirclement is replaced by a socialist encirclement, a peaceful path of development is quite possible for certain capitalist countries, whose capitalists, in view of the unfavorable international situation, will consider it expedient voluntarily to make substantial concessions to the proletariat. But this supposition applies only to a remote and possible future. With regard to the immediate future, there is no ground whatsoever for this supposition."

This is the last quotation I wish to offer and urge that you observe Stalin's assumption there, as I have said again, that the force and violence comes from the minority who refuse to yield to the minority.

MR. GREEN: May I ask when Dr. Aptheker reads the quotation, that he indicate quotation marks.

THE WITNESS: I tried to do that by saying "internal", but I should have said "internal quotation marks."

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

Q (BY MR. BASSETT) Dr. Aptheker, directing your attention to a more recent period, say 1950, what does the Communist Party teach and advocate is the means to attain socialism and how they want it to take place?

MR. GREEN: I object to that.

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THE COURT: Don't you think he has covered that by the quotations already?

MR. BASSETT: If Your Honor please, those previous remarks dealt with historical materials used as a basis for their present teachings. This is what they are teaching to be techniques today.

THE COURT: Ask that question, is that the present doctrine and aims of the Communist Party. Will you answer that by yes or no.

Q (BY MR. BASSETT) Will you answer His Honor's question, Doctor.

A The present aims and doctrines of the Communist Party is most certainly in the future, when the majority of the American people desire it, a peaceful and legally attained legislation, as provided in our government, a system that they desire, if this system is socialism. Yes, this is the principle of the Communist Party of the United States.

Q What does the Communist Party teach its members to do in order to help achieve the peaceful transition to socialism?

MR. GREEN: Objected to.

THE COURT: I sustain the objection to that question. I am not sure that this witness is competent to answer that. He is not, as far as I have now heard,

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an officer or official of the Communist Party.

MR. BASSETT: If Your Honor please, we are offering his testimony to rebut the testimony of people who were not even members of the Communist Party, Crouch, Lautner, they are not in the Party, and this gentleman is a distinguished scholar and member of the Party at the present time.

THE COURT: I do not wish myself to comment on the weight of the evidence. That is for the jury, but the jury may very well think that the evidence of people who have been closely identified with the Party is of more value to them than the views of one who is not an officer of the Party and who is a professor in -- what was the name of the college?

THE WITNESS: I teach at the Jefferson School of Social Science in New York.

MR. BASSETT: It would be interesting to realize that the testimony of one of the Government's witnesses, Mrs. Markward, was that she went to the Jefferson School, so that the knowledge she acquired there she acquired from the faculty of which this gentleman is one of the professors.

MR. GREEN: I don't think Mrs. Markward so testified. She said she attended courses held in the Jefferson School Building, the Jefferson School of Social Science, but my recollection is she did not go to the Jefferson School.

THE COURT: The Jefferson School is in New York, is it?

MR. BASSETT: That is exactly correct, yes.

THE COURT: Did Mrs. Markward go to New York?

MR. BASSETT: I think that is correct and I think Mr. Long, another witness, also went to that school.

MR. GREEN: Long went to the Training School.

MR. BUCHMAN: I would like to be heard on this particular question.

THE COURT: What question?

MR. BUCHMAN: You sustained the objection to the past question and I think it is crucial to our case. Every Government witness, including Nowell, Lautner and Crouch, in the case of Nowell, he had not been a member of the Party for fifteen years, and his expertness was arrived at as an analyst for the Immigration Department. All those witnesses were permitted to answer that direct question and give their expert opinion on every question presented.

THE COURT: What is the question again?

MR. BASSETT: The question was, what the Communist Party teaches its members to do in order to help achieve the peaceful transition from capitalism to socialism.

THE COURT: I will let him answer that question. Please answer it as briefly as you can, please, because I rather infer from what I have already heard this morning

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that your answer would be largely a repetition of what you have already said.

THE WITNESS: If Your Honor will take no offense from my remark, I think "inferring" this is incorrect, because I was speaking of theory and now the question is, what does the Party teach that our membership must do.

THE COURT: If you answer it in that way, please be very brief about it.

THE WITNESS: I will be brief as I can within the compass of the question and I presume, Your Honor --

THE COURT: Nevermind comments, Mr. Witness. Just go ahead and answer the question.

THE WITNESS: All right, sir. The Party teaches and urges its membership to go amongst the masses of the American people, of whom they are a part, and to bring the program of my Party to these people. It tells the Party membership to go amongst the American people and to urge peace in the world, the protection of civil liberties, the protection of the rights of trade unions, the repeal of the Taft-Hartley Act, the right of all people to vote, including those presently disfranchised, particularly Negro people, and some poorer white people in the deep South; the repeal of the anti-poll tax bill, to enact anti-lynching bills. The Party tells its membership to go amongst the American people and to speak to them, convince them, that

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the Bill of Rights day is under attack, that we must struggle to preserve the right to the freedom of speech and assembly and the right and freedom of political parties to exist and to express their opinions in the open market places of ideas.

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

MR. BASSETT: If Your Honor please, was that the conclusion of your answer, Doctor?

THE WITNESS: No, sir.

MR. BASSETT: May we have Your Honor's permission to allow the witness to finish?

THE COURT: Very well.

MR. GREEN: I renew my objection. The question has been answered.

THE COURT: You may proceed and finish, Mr. Witness, if you have not finished.

THE WITNESS: The Party tells its membership above everything else, I think, to convince the American people that if they have unity, their will for peace and for civil liberties and for equality, if they can unite this will and resist Red baiting, this unity of will of the mass of the people will make it possible for them to elect representatives to congress to produce the passage of legislation that will implement the body of the program

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that I have most briefly presented here today.

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Q (BY MR. BASSETT) Now, Dr. Aptheker, a witness for the prosecution testified that the Communist Party taught that socialism can be obtained only in an emergency, a national emergency, crisis or war; is that true?

MR. GREEN: I object to the question.

THE COURT: I sustain the objection. That is not a proper quotation, according to my recollection, of the witness' testimony.

MR. BASSETT: If Your Honor please, I am not certain I heard your ruling.

THE COURT: I say I sustain the objection to your question because, according to my recollection it does not properly quote what the witness said in that connection.

You are referring evidently to the evidence of the witness Lautner.

MR. BASSETT: Well, if Your Honor please, that is a direct quotation which was made to the jury.

THE COURT: Lautner was asked, as I recall it, with regard to when it was contemplated or possible, that the revolution advocated by the Communist Party, as he put it, should take place. His answer was in substance, as I recall it -- and if you have it there you could quote it yourself -- but his answer was in substance that this would come about either when there is a state of war or a severe

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economic depression or when the Communist Party considers that it is strong enough to bring it about. That is my recollection of it.

If you have the exact quotation, you may read it.

MR. BASSETT: Your quotation was rather close.

On page 877 it says:

"In an emergency, a national emergency -- "

The question was:

"Will you tell us when, if you know, that revolution was to start and under what circumstances?"

It was objected to and the Court overruled the objection.

The answer was:

"In an emergency, a national emergency and crisis or war, and if the Party had influence enough, wielded influence enough to carry out that revolution."

Q (BY MR. BASSETT) I now ask you, Dr. Aptheker, if the Communist Party teaches that as a fact or upon that as a supposition?

MR. GREEN: I object to that question, Your Honor.

THE COURT: I sustain the objection for this reason, Mr. Bassett: Lautner was not testifying in that regard about what the Communist Party teaches but he was asked when would the revolution, according to the Communist Party, probably or possibly take place.

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Now, you could ask the witness, if you wish to, in the language of Lautner's statement whether that would be something which would be possible with regard to the time of the revolution. It is clear enough, isn't it, on both sides that the Communist Party desires revolution? The difference between the parties, the government contends that it is the intention of the Communist Party to bring it about if circumstances permit it. That is the contention of the Government.

The exposition of the matter from your witnesses, and particularly by the present witness, is that the Communist Party does not intend to overthrow the government by violence at any time but only in accordance with the constitutional means when they have political power under the constitution by a majority of the people to pass legislation and the ratification of the amendments to the constitution by three-fourths of the states.

That is the question between one side and the other in this case. Is it to be done by violence if necessary whenever it is likely to be successful or is it to be done purely by peaceful means and only through democratic processes? That is a matter for the jury, I think, to determine in this case.

Now, you could frame any questions along that line, although I think the witness has fully answered them

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by what he has said that the Communist Party has no intention at any time to use force and violence but only to use democratic processes in accordance with the constitution. That is the position of this witness.

Am I right in that, sir?

Nevermind if you can't answer. I thought you could very quickly.

Go ahead, Mr. Bassett.

Q (BY MR. BASSETT) Would you --

THE WITNESS: Basically, you are right, Your Honor.

THE COURT: Basically I am right?

THE WITNESS: Yes.

Q (BY MR. BASSETT) Doctor, would you be kind enough to expand your last answer.

MR. GREEN: I object to that.

THE COURT: I sustain the objection.

MR. BASSETT: If Your Honor please, may I ask the Reporter to read back the Court's last question?

THE REPORTER: (Reading) "The difference between the parties, the government contends that it is the intention of the Communist Party to bring it about if circumstances permit it. That is the contention of the Government."

MR. BASSETT: All right.

THE COURT: Just a minute.

MR. BASSETT: If Your Honor please, I would like

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to have that question first as I think Your Honor framed two of them, and this was the first, and I hoped we would get an answer to that.

THE COURT: I stated what I understood<sup>to</sup> be the difference in the respective contentions in this case, and whether I had correctly stated it according to his prior testimony, and he said, "Basically yes."

MR. MEYERS: Your Honor, as I understand it, you asked a question, and the witness was answering it, and Mr. Bassett is now asking him the question and asked the Reporter to read it.

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

MR. BASSETT: If Your Honor please, as I understand it, Your Honor framed two questions and we were asking your permission to ask or to have the witness answer both of them.

THE COURT: Ask your next question.

MR. BASSETT: Will the Reporter read that first question.

THE COURT: I did not ask any questions, Mr. Bassett. I told you why the particular question that you asked was not admissible. The only question I asked was with respect to stating the respective contentions, and I asked the witness whether I had correctly interpreted his prior testimony and he said "Basically yes."

Now, what is your next question?

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THE WITNESS: I said it was basically yes only about the last part of it, what I was trying to say.

THE COURT: All right. Next question.

Q (BY MR. BASSETT) Doctor, we heard several references, readings of the language of the witness Lautner, specifically that socialism can be obtained only in an emergency.

Is that the teaching of the Communist Party?

MR. GREEN: I object to that, sir.

THE COURT: I think it does not correctly quote Lautner's testimony.

MR. BASSETT: I am only trying to save time, Your Honor. I will rephrase the question, if I may.

Q (BY MR. BASSETT) Doctor, the witness Lautner testified in reply to a question, can you tell us when, if you know, that revolution was to start and under what circumstances. The witness Lautner replied in <sup>an</sup> emergency, a national emergency and crisis or war and if the Party had influence enough, wielded influence enough to carry out that revolution.

MR. GREEN: I object to that question.

THE COURT: What is the question?

MR. BASSETT: The same question, Your Honor. Does the Communist Party so teach?

MR. GREEN: I object to that question.

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THE COURT: I sustain the objection for the reason that I gave before. Mr. Lautner did not give that testimony in connection with the teachings of the Communist Party.

MR. BASSETT: I will reframe the question.

THE COURT: One of the issues in this case is whether it is the intention of the Communist Party to have the revolution as speedily as circumstances would permit, and the questions to Lautner, as I recall them, were along that line, as speedily as circumstances would permit, and what that means in the Party?

That is his answer, when would the revolution probably take place. It was not in connection with teaching.

MR. BASSETT: I beg your pardon?

THE COURT: It was not in connection with the teaching of the Party but it was given as bearing upon the question of time.

MR. BASSETT: Thank you, Your Honor.

Q (BY MR. BASSETT) Doctor, can you tell us when, if you know, that revolution was to start and under what circumstances?

MR. GREEN: I object to that question, Your Honor.

THE COURT: He may answer it.

MR. GREEN: Specify the revolution. You said "that revolution".

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MR. BASSETT: The revolution about which the witness Lautner was talking.

THE COURT: He may answer it. Answer it briefly though, please.

THE WITNESS: The culmination of the revolutionary process, the transformation from a capitalist state to a society, a socialist state of society comes when, whenever that may be that the majority of the people of the United States desire such transformation, and it cannot come sooner.

This is the essence of Marxist-Leninist theory and the teaching of the Communist Party and so the Communist Party intends.

Q (BY MR. BASSETT) Now, more specifically, does the Communist Party intend to bring about a revolution during depression or time of war?

MR. GREEN: I object to that, sir.

THE COURT: As an expression of his individual opinion he may answer, but I do not think he is qualified to answer it authoritatively from the standpoint of the Communist Party.

MR. MEYERS: Your Honor, may I say that this witness is here as a qualified witness to speak fully and completely on the teaching and doctrines and program of the Communist Party. Now I think that if that had been

established more clearly yesterday with respect to his qualifications as an expert witness, if that had been further gone into, and I think that if there is any question as to his qualifications it might well be reopened, to reopen the question of his expertness.

THE COURT: What is the next question?

MR. BASSETT: Your Honor, would the Reporter read back the pending question?

(The last question was read by the Reporter.)

MR. GREEN: I object.

THE COURT: I sustain the objection for the reason given.

MR. BRAVERMAN: If Your Honor please, some of the Government witnesses particularly Craig and Bartlett who were no more than mere members of the Communist Party were permitted to testify, and they were allowed to answer questions as to what the Communist Party teaches, and here this witness as a witness who has taught in Communist Party Schools and he has been authorized for the Communist Party to engage in public debates as a representative of the Communist Party, and I think this witness should be allowed to answer those questions which the Government witnesses such as Craig and Bartlett and others have testified about who were no more than mere members of the Communist Party, and I think he should be allowed to answer.

THE COURT: What is the question?

(The last question was read by the Reporter.)

THE COURT: Answer yes or no.

THE WITNESS: Yes, I would answer no.

MR. BUCHMAN: If Your Honor please --

THE COURT: There is no question pending.

MR. BUCHMAN: I do not think the witness should be limited to a yes or no answer when witnesses like Crouch were permitted to answer at great length, sir.

THE COURT: We have heard the witness for two hours, and I think I have understood the drift of his answers, and I have summarized them in ruling upon the questions.

Now, mere repetition of the same thing time and time again is something which the presiding Judge has to determine to be either in order or too lengthy.

Now, let us pass to something new in the case.

MR. BASSETT: If Your Honor please, the questions which are being propounded to the witness were prepared from the testimony and with deliberate intention to meet each of the allegations made by the various witnesses for the Government, and we have no intention, sir, of having these answered more than once, but we do want to take these allegations and meet these allegations, and we intend to answer them once, and we would like to meet each of

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the various allegations which have been made by the several  
Government witnesses.

THE COURT: Proceed.

MR. BASSETT: Thank you sir.

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Q (By Mr. Bassett) A witness for the prosecution testified that no one could stand on the principles of Marxism-Leninism and at the same time defend the United States Constitution. Is there anything in the teaching of the Communist Party that would substantiate that?

MR. GREEN: I object.

THE COURT: Overruled. Please answer the question, if you can, yes or no.

A I can't, sir. I am not satisfied with such an answer. The answer to that is no, there is nothing contradictory. On the contrary, in my opinion, it is complementary, in part, of the fullest development of the democracy provided for and pledged in the Constitution.

Q (By Mr. Bassett) Now, Doctor, another witness for the prosecution said that "proletariat" means people without property. I am referring to Page 792 of the transcript. And that "bourgeoisie" means people who have property of some kind. Is that an accurate description, as distinguished by the Communist Party?

MR. GREEN: If Your Honor please, the subject might be perfectly permissible of inquiry of the witness for the defense. However, I do not think it is proper to say, in leading up to each question, that certain witnesses testified so and so.

MR. BASSETT: I will be very glad to strike that

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part of the question dealing with what a prosecution witness said.

THE COURT: You can answer the question, if you can.

A It is elementary and axiomatic in Marxism-Leninism theory that "proletariat" refers not to people who are without property. I suppose the only person without property would be a new born babe - some property. "Proletariat" refers basically to an industrial worker, to a worker in industry, fundamentally.

"Bourgeoisie" refers in Marxism-Leninism literature, axiomatic, "bourgeoisie" refers not to owners of property. It refers to owners of the means of production, and particularly, as normally used, owners of great mines, railroad concentrations, factories. This is the essence of the meaning of "proletariat" and "bourgeoisie" in Marxism-Leninism literature.

Q (By Mr. Bassett) Now, Doctor Aptheker, it has been stated here Communists advocate "wherever necessary the overthrow of the bourgeoisie, meaning, as I understand it, the general mass of the people in a capitalist institution, by force, if necessary." Is it correct, as stated, that Communists seek to lead a minority in the overthrowing of the majority?

A No. It is precisely the opposite of what is

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correct.

First, the "bourgeoisie" is not the general mass of the population. "Bourgeoisie" in all Marxism-Leninism literature, in concepts and teaching, is a minute minority in any capitalistic country. Second, the whole concept of Communism is that it is a movement of the majority in the interest of the vast majority.

Q Now, this is a very important answer, Doctor. Can you cite references in Marxist-Leninist works that would substantiate what you have just said?

MR. GREEN: I object, sir.

A Oh, yes, I can.

THE COURT: Go ahead.

Q (By Mr. Bassett) Will you proceed?

A Yes. I am directing myself to quotations from Marxism-Leninism classics, in which is developed the fundamental idea of Communism, that it is a movement of the majority, and for the majority.

I take first, the Communist Manifesto, by Marx and Engels, which they wrote in 1847 and 1848, and published the latter year. In the Communist Manifesto, on Page 20, of the edition which I see in the hands of the gentleman, which I assume is an exhibit.

One reads, quoting Marx and Engels: "All previous historical movements were movements of minorities, or in the

H 4 interest of minorities. The proletarian movement is the self-conscious, independent movement of the immense majority, in the interest of the immense majority."

In the same work, Communist Manifesto, Page 44, and for the same reason, of its majority concept, Marx and Engels wrote that "Communists labor everywhere for the union and agreement of the democratic parties of all countries."

Directly pertinent to this, in extension of the application of this fundamental rule of Marxism-Leninism, it is concerned and tied to the minority-majority, one finds on examination of Lenin's writings in 1916, "Selected Works," Volume 19, Page 261, quote:

"Socialism without democracy is impossible in a double sense. (1) The proletariat can not achieve the socialist revolution unless it is prepared for this task by the struggle for democracy. (2) Victorious Socialism cannot retain its victory and lead humanity to the stage where the state withers away unless it establishes complete democracy."

And quoting the same author, Lenin, 1916, "Selected Works," Volume 5, page 268, same year as I think I said, 1916: "Just as Socialism cannot be victorious unless it introduces complete democracy, so the proletariat will be unable to prepare for victory over the bourgeoisie unless it wages a many sided consistent and revolutionary

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struggle for democracy."

In April, 1917 --

MR. GREEN: I don't like to interrupt the Doctor, but I understood he was to read quotations concerning the minority and the majority business. And although the recent quotations he has read apply in response to another question, I don't think they are responsive to this question.

THE COURT: I will let him read. Go ahead. Have you many more of these quotations?

A No, sir, I don't.

THE COURT: Read the next one, if you have another one.

A In April, 1917, Lenin in the midst, of the greatest turmoil, wrote - this is from "Selected Works," Volume 6, Page 29: "In order to obtain the power of state, the class conscious workers must win the majority to their side. As long as -" And he italicizes those three words. "As long as no violence is used against the masses there is no other road to power. We are not Blanquists. We are not in favor of the seizure of power by a minority."

And, the Jury, I hope, will remember I defined "Blanquism" yesterday as a minority anarchist force and violence movement.

THE COURT: I think it is a proper time to take the morning ten minute recess.

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Thereupon, at 11:35 a.m., there was a ten minute recess taken, after which the following occurred:)

THE COURT: Proceed.

Q (By Mr. Bassett) Doctor Aptheker, what does the Communist Party teach as to the historic method of passage of Amendments to the Constitution of the United States?

MR. GREEN: I object to that.

THE COURT: I sustain the objection to that. It is purely a question of law.

A May I point out, I was in the middle of a question.

THE COURT: You were in the middle of something? Well, finish what you were reading.

A If the Court will bear with me a minute. I left these papers with the clerk, here.

I was in the middle of offering a few quotations to demonstrate the fact that the Communist Party seeks the agreement of the majority of the people, that Marxism-Leninism is based on majority will, the whole concept of revolutionary processes. I had read, I believe, two or three quotations, and I have two or three more, coming up into the present period.

Here is a quotation from Lenin, showing this same fundamental principle of Marxism. It comes from "Selected Works," Volume 3, Page 121. This was uttered by Lenin in the midst of the terrible war between Czarist

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Russia and Japan in 1905. He is there saying -- well I will give you his own words:

"Marxism divides the 'people' into 'classes' not in order that the advanced may become self-centered, or confine itself to narrow aims and restrict its activity so as to frighten the economic masters of the world, but in order that the advanced class, which does not suffer from the half-heartedness, vacillation and indecision of the intermediate classes shall with all the greater energy and enthusiasm fight for the cause of the whole of the people, at the head of the whole people."

In more recent times, one finds Dimitroff, the world famous Bulgarian Communist and leader of Marxism-Leninism, who defied Hitler's government at the Reichstag fire frame-up, and he said, typically, quoting: Pardon me. Not there, not in the court. That is incorrect. He said this in 1935. He said:

"While being upholders of Soviet democracy, we shall defend every inch of the democratic gains which the working class has wrested in the course of stubborn struggle, and shall resolutely fight to extend those gains."

That is from Dimitroff's, "The United Front," Page 109, published by International, 1938.

Coming closer to our time, William Z. Foster, chairman of my party, said in 1945, in the midst of the

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struggle against Browderism, quoting:

"The very foundation of Marxism-Leninism is that the working class, with the Communist Party at its head, leads the democratic masses of the people in the amelioration of their conditions under capitalism and also in the eventual establishment of Socialism."

This is in the pamphlet, "On the Struggle against Revisionism," page 56.

And one more quote, from a national leader of my party, John Williamson, who, on the same occasion, in 1945, as reported in the same book, Pages 72 to 73, Mr. Williamson said the following: Quote:

"In emphasizing that we adhere to the principles of Marxism we should never forget that this means:

a. That we must fight untiringly for the everyday interests of the workers and all other oppressed sections of the population; that we must give consistent leadership to the national struggles of the Negro people and the struggle for the liberation of the victims of U. S. imperialism;

b. That the working class, upon which the Communist Party bases itself, is the bulwark and most consistent champion of democracy, the nation and social progress, and that therefore the organization, unity and independent role of the working class is in the interest

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of our nation;

c. That while carrying forward all the democratic traditions of our country and the fighting traditions of the working class of all nations, we always keep before the masses the aim of Socialism as the historic solution of the contradiction between the social character of production and the private ownership of economy by a small group of monopolists."

That is why in the preamble of the constitution of the party, it says: "In the struggle for democracy, peace and social progress, the Communist Party carries forward the democratic traditions of Jefferson, Paine, Lincoln and Frederick Dauglass, and the great working-class tradition of Sylvis, Debs, and Ruthenberg."

Q (By Mr. Bassett) Doctor Aptheker, one of the prosecution's witnesses said that he had been taught something called "historic materialism." Does the Communist Party teach anything by that name?

A Yes, it does.

Q What does "historic materialism" mean?

A Well, the correct phrase is "historical materialism."

Q Thank you.

A This is the philosophy of history of Marxism-Leninism. This happens to be one of the courses which I

teach at the Jefferson School, and about which I have written in many publications.

Being a whole philosophy, it is exceedingly difficult to put this into a capsule statement, but because of the exigency which I understand exists, I will do my best to do that.

"Historical materialism" teaches that the basic activity of mankind is to produce the necessities of life, food, shelter, clothing. It teaches that man is social. He does not live alone, but rather in social groups.

It teaches that in these social groups, founded upon this fundamental requirement of human beings, that they produce that without which they cannot live; that, therefore, the nature of these social groups depends upon the nature of property relationships in these social groups, so that you have a society as you have had in the past, which is a slave society.

We say it is a "slave society" because the relations of production depend upon the ownership of slave property by a few, and the being owned by the slaves as the many. We speak of "feudal society." The fundamental nature of that society is, again, its property relationships. A few possess the right to the land. The mass, the serfs, the peasants, have no right to the land.

We speak of a "capitalistic society," by which we mean

a society in which --

MR. GREEN: If Your Honor please, I don't know if this is responsive to the question as to what "historical materialism" is.

A That is what it is.

THE COURT: Well, I will not stop the witness, but I would request him, please, to be briefer in his reply. I understand, of course, what the witness is saying, it is the history of the development of society. Now, I do not think that has any direct relation to this case.

It is very interesting, of course, to the student of history, political economy, and science of government. But I think the issues of this case are much simpler than that.

Now, I don't want to stop the witness, because he was asked a question which I think was proper, "what is your understanding of the term 'historical imperialism?'" But I would ask him, please, to be briefer than that, because the range of history, of course, goes back over several thousand years. If it is possible to bring the matter to a more simple statement, of the meaning of "historical imperialism," I ask the witness please to do so.

A Sir, first, I am defining "historical materialism."

THE COURT: Well, "materialism," rather than "imperialism."

I thought the question was "imperialism."

MR. BASSETT: Sir, I believe the witness long referred to "historic" or "historical," I am not certain, "materialism."

THE COURT: "Materialism."

MR. BASSETT: I believe it is being used in distinction with the distinction you made.

THE COURT: Very well. The witness is defining "historical materialism." The same thing, I think, applies. But as I say, my understanding of it, I take it is the development of history. But, again, I suggest to the witness, if possible, to be a little more concise about it, rather than range through several centuries.

I will ask him to do so. If you can't, of course, I will let you go on.

A I will do the best I can, sir.

In the development of the philosophy of history, as I say, there is no way of doing it except developing it, that I know of.

THE COURT: I quite appreciate that.

A I have leaped from slavery to capitalism in about three minutes, and, believe me, that is quite a leap. But I will go on now.

Productive activity is the focus. Social relationships depend on this productive activity, and being based upon it,

classes arise on the basis of their relationship to the productive activities.

Some own the means of production. Some depend upon it. This is the fundamental distinction in these classes, in Marxism-Leninism thought. Marxism-Leninism thought basic to "historical materialism" says that based upon this fact of some classes possessing the means of production and some classes not, there develops an irrevocable antagonism in the interests between these classes.

Those who own the means of production, historically always, today, they are the minute minority. Those who do not own the means of production, historically always, today, these are the overruled majority. The interests of these are in conflict.

"Historical materialism" teaches it is through the resolving of this conflict that history moves forward. This is, we believe, the secret or the explanation of the dynamics of history. Why you have one society at one time, and another society at another time. Why the changes. Though, in all cases, the ruling class opposes the change, and usually forcibly resists it.

It is this antagonism in interest. The antagonism in interest is resolved in life in the process of social development. And this really is the heart of the revolutionary process. The heart of the revolutionary process

The heart of the revolutionary process is not the momentary overturning. This is the consummation. The heart is the process of the development of these antagonisms and the restriction by the minority of the majority.

The culmination - and I now close my exposition to the best of my ability - the culmination and the change always comes, always has come when the interest of the possessors of the means of production, whatever that means may be, when the interest of the group possessing the means of production are so contrary to the interest of the mass of the people that the majority of the people simply cannot endure it any more, understand their interests are contrary, and want a new way of life, and the minority, the rulers, faced by such contradictions, can no longer supply the minimum requirements of life.

Therefore, this minority turns to the forcible repression and the forcible destruction of the mass of the people who are seeking peacefully to make life tolerable to them. When this is resisted, when it is - sometimes it isn't - if it is resisted, and if their resistance is successful, then the masses have succeeded in putting down an illegal counter-revolutionary minority's force and even violence, and they have achieved a higher form of liberty, such as, for example our bourgeoisie minority in the first American revolution.

This is most unsatisfactory to me, as one who teaches it for five hours to give in fifteen minutes the heart of historical materialism.

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Q (BY MR. BASSETT) Now, Doctor, tying that philosophy of history into the questions which have been made here, what do Communists, members of the Communist Party teach with reference to the constitution of the United States?

MR. GREEN: I object to that question.

THE COURT: I sustain the objection.

Q (BY MR. BASSETT) Then, Doctor, may I ask you, would you consider such a well-known volume as Beard's "Economic Interpretation of the Constitution" as affecting, embodying the philosophy that you have expanded here?

MR. GREEN: Objection.

THE COURT: I sustain the objection.

Q (BY MR. BASSETT) Do the members of the Communist Party use American History in their teaching?

MR. GREEN: Objection.

THE COURT: Sustained.

MR. BASSETT: If Your Honor please, may I inquire as to the basis for that objection?

THE COURT: No. I think it is perfectly apparent, Mr. Bassett.

Q (BY MR. BASSETT) What does the Communist Party teach concerning the transition from capitalism to socialism in relation to the constitution and the Bill of Rights?

MR. GREEN: Objection.

THE COURT: I sustain it for one reason because he has already gone over it several times.

Q (BY MR. BASSETT) Does the Communist Party use Aesopian language?

A No, certainly not.

Q Can you point out specific references in Marxist classics which discuss the question of Aesopianism?

A Yes.

Q Please do so.

A On this argument of Aesopianism, if a Communist says that which seems to disprove of force and violence, then he does not mean it. If he says that which seems by some stretch to prove force and violence, then he does mean it.

THE COURT: You say the Communists say that?

THE WITNESS: No, but that is what is said of Communists on the one hand when they say something they don't mean it, and on the other hand when they <sup>say</sup> something they do mean it.

I submit that under this argument, this type of argument that an idiot could defeat Socrates in argument.

The only occurrence of the term "Aesopianism" is in Lenin's "Imperialism" which was written in 1917, and it occurs when it could be brought out without the censorship of the Tsar --

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THE COURT: I am sorry but I must interrupt you. We have had the passage read from Lenin's writing in 1916 in which that term was used. Now, I do not think it is competent for this witness to undertake to give his interpretation of that language.

What is your next question?

MR. BUCHMAN: If Your Honor please, the witness Crouch, Lautner, and Nowell were permitted to give their interpretations of the word as part of the essence of the Government's case.

THE COURT: This witness started to give his interpretation of those words used by Lenin in that sentence. Now, there may be other questions which are clearly permissible, but they must be framed by the counsel who is examining the witness.

MR. BUCHMAN: If Your Honor please --

THE COURT: Proceed with your next question.

THE WITNESS: Sir, I was asked to give references.

THE COURT: No, it is not the time for you, Doctor.

Proceed with your next question. What is your next question?

MR. BASSETT: Thank you, Your Honor.

Q (BY MR. BASSETT) Doctor, has the question of Aesopianism been discussed by recognized leaders of the Communist Party?

MR. GREEN: I object to that, sir.

THE COURT: I am not sure I heard the question.

MR. BASSETT: Has the question of Aesopianism been discussed by recognized leaders of the Communist Party?

THE COURT: Has it been?

MR. BASSETT: Yes. I just asked that question of the witness, and I believe the answer is yes, I am sure.

THE COURT: What is your next question then?

Q (BY MR. BASSETT) Is that correct?

A Yes, that is correct.

Q Who has discussed it?

MR. GREEN: Objected to.

THE COURT: I sustain the objection.

Q (BY MR. BASSETT) Doctor, I show you or will show you a volume entitled "United Front" by Dimitroff and call your attention --

A It is not here.

Q Excuse me.

MR. FLYNN: What one is that?

Q (BY MR. BASSETT) This is Georgi Dimitrov's "Selected Articles and Speeches" published by Lawrence and Wishart of London in 1951 and call your attention to page 26. Do you find there any expression as to the significance of the word "Aesopian" or "Aesopianism"?

MR. GREEN : Objected to.

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THE COURT: I sustain the objection. I think you have not correctly related the significance of the word "Aesopian" as it has been heretofore given in some of the evidence in this case where witnesses on the witness stand were asked about the use of the language which they refer to as "Aesopian" meaning thereby, as I recall the evidence, that the Communist Party had said that they often used language in their public documents which was well understood by those indoctrinated in the Communist Party to have a particular meaning but which meaning as a matter of language would be quite different and could not be used against the Party in court.

Now, that evidence was given by witnesses from the witness stand subject to cross-examination. Now you are asking this witness to read/<sup>what</sup>somebody else said upon the subject. That is not contradiction of the evidence given by the witnesses here who were on the stand subject to cross-examination, and for that reason I sustain the objection.

MR. BASSETT: Now, if Your Honor please, the question immediately before or the two questions before this, I asked him if the Party had used "Aesopianism" and he answered with respect to the prior testimony, answered it in the negative, and then in order to add probative value to his testimony I am attempting to elicit from him

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substantiation in various works used by the Communist Party.

THE COURT: Well --

MR. BASSETT: And I think I should be permitted.

THE COURT: Mr. Bassett, that is just what you cannot do according to the rules of evidence. You have a witness on the stand and he makes a statement, and you can contradict his statement, but you can't corroborate a witness on the stand by reading from what somebody else has said

Now, I allowed you a proper question which you asked the witness to which you say he answered no. Now, that is evidence before the jury attending to contradict some of the evidence on the other side; but you cannot corroborate him or <sup>bolster</sup> or add to the force of this witness' statement under oath here by what somebody else has said at some other time.

MR. BASSETT: Well, now --

THE COURT: Please pass to the next question.

Q (BY MR. BASSETT) Can you throw additional light, Doctor, on the use of the term "Aesopianism"?

MR. FLYNN: What is the question?

MR. BASSETT: That is the question.

MR. GREEN: Objected to.

THE COURT: I sustain the objection.

MR. BASSETT: If Your Honor please, the Court

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directed the question to the witness Crouch in connection with what he meant by the expression Aesopian language with respect to it being referred to in the papers and he answered it at length, some five or six pages.

THE COURT: Well, you could put the same question to this witness, what does he mean by "Aesopian".

Q (BY MR. BASSETT) What is meant by the term "Aesopian"?

A Lenin used it --

THE COURT: No, no, no, Mr. Witness. We have heard what Lenin said about it as evidence in the only time he used it. Not what Lenin said about it or your interpretation of it, but what is meant by the term "Aesopian language"?

Now, that I think is the question before us intending to give some evidence by the witness as to what that meant when they used the term "Aesopian language."

MR. BASSETT: If Your Honor please --

THE COURT: This witness can be asked what is meant by the term "Aesopian language." Does he use it or not?

Q (BY MR. BASSETT) Have you ever used the term "Aesopian", Doctor?

A Have I ever used the term?

Q Yes.

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A I have used it in explaining this passage, the fact that it has been misused in terms of prosecution against the Communist Party, and I have used it this way in explaining it, --

Q What was that explanation?

A -- in classes.

MR. GREEN: I object to that.

THE COURT: I sustain the objection on the same ground. The witness is permitted to define what is meant by the term "Aesopian language." His answer tends to show that he has taught that other people have taught that incorrectly. He can, of course, state what is meant by the term "Aesopian" as so used; but the very nature of the word and the question is something which apparently is not clearly understood by the questioner in this case. That is by Mr. Bassett, but not intending to be critical at all.

MR. BUCHMAN: If Your Honor please.

THE COURT: I think there is no question before the Court at the present time, Mr. Buchman.

MR. BASSETT: Would Your Honor indulge us for a moment?

MR. BUCHMAN: I would like to ask this witness the same question which was asked of the witness Crouch.

THE COURT: You could do so.

MR. BUCHMAN: The question which was asked of

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Crouch, what is the meaning of "Aesopian", and Mr. Crouch took four or five pages to elaborate on it.

THE COURT: Of course, you could ask this witness the question which was asked the witness on the other side. I don't know just what question you are referring to that was asked of Mr. Crouch.

If you have it, you could read it as to what he said to refresh my recollection which may help me on ruling upon the evidence, and I will listen to it.

MR. BUCHMAN: This is at page 642, what Your Honor said --

THE COURT: Don't you think that one counsel should examine the witness at a time.

MR. BUCHMAN: Yes.

MR. BASSETT: This is at page 642, Your Honor, and the question, beginning with the latter half of the Court's statement:

"Now, I think the question can be asked what he meant by 'Aesopian language' and what the language he referred to in the papers that he had then as 'Aesopian'."

Flynn then asked the question:

"Can you answer that question as propounded by His Honor?"

And this was his answer:

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"Yes. By Aesopian I mean the use that Lenin gave the word 'Aesopian language' in his introduction to the pamphlet 'Imperialism' -- "

THE COURT: That what?

MR. BASSETT: "That Lenin gave the word 'Aesopian language' in his introduction to the pamphlet 'Imperialism'. It is words that are clear to Communists, to Marxists, but when introduced into Court cannot be used against them," and so on.

THE COURT: Well, now, the Government asked the question of Crouch, and you have the words there what he meant by the use of the term "Aesopian", or as used by Lenin. I did not recall Crouch being asked that particular question. Ordinarily you do not ask a witness to translate or define what is written in the English language.

Apparently that was done with Crouch without objection, and I will let you do that with your witness so that he can give that interpretation.

MR. BUCHMAN: There was an objection, Your Honor.

THE COURT: Very well. Possibly I made a mistake about it and if I made a mistake against you I will make one now for you.

Now, read to the witness what Lenin said about the use of "Aesopian language".

MR. BASSETT: May I have Government Exhibit No. 9?

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While we are in that, there is a second question that is incorporated into that where the witness Crouch said his words are clear to Communists, not to Lenin.

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THE COURT: On the first page of the introduction, as I recall it.

MR. BASSETT: (Reading) "This pamphlet was written with an eye to the tsarist censorship. Hence, I was not only forced to confine myself strictly to an exclusively theoretical, mainly economic analysis of facts, but to formulate the few necessary observations on politics with extreme caution, by hints, in that AEsopian language - in that cursed AEsopian language - to which tsarism compelled all revolutionaries to have recourse whenever they took up their pens to write a 'legal' work."

With a foot-note "1 'AEsopian', after the Greek fable writer AEsop, was the term applied to the allusive and roundabout style adopted in 'legal' publications by revolutionaries in order to evade the censorship."

THE COURT: Now, what is your question, Mr. Bassett?

Q (By Mr. Bassett) The question we want to ask is what significance does that passage have to Communists, with the understanding that he has already answered that Communists do not use AEsopian language.

THE COURT: If they do not use AEsopian language, the phrase has no reference to them at all.

MR. BASSETT: The witness Crouch testified that it did.

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THE COURT: He has contradicted Crouch on that by saying that they do not use it. That is a question which asks the witness more in the nature of a fact. The fact may be true or not, as stated.

Q (By Mr. Bassett) I ask you the further question, what is meant by Aesopian language?

A AEsopianism has reference to the fact that in the face of censorship of a tyranny, it may be necessary, if given that censorship, to elucidate your thoughts within the confines of the censorship. This may occur. It has occurred historically many times.

THE COURT: You can not go into a long dissertation about it.

THE WITNESS: The - -

THE COURT: Pardon me a minute. Do you contend, Mr. Bassett, that that answer by the witness is different from what Mr. Crouch said?

MR. BASSETT: I contend it might be if he were permitted to finish, if Your Honor please.

THE COURT: I am not going to permit him to finish under the rules of evidence. You can ask him another question and develop it, if you wish.

MR. BUCHMAN: If the Court please -

THE COURT: Mr. Buchman, I have ruled upon the question. We must have some termination to this continued

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and repeated objections after I have ruled upon them.

MR. BUCHMAN: I want to enter my objection in the record.

THE COURT: You may do so. You have done so. Now, proceed, Mr. Bassett.

Q (By Mr. Bassett) Does the Communist Party use any language that has a special meaning or a double meaning?

A It certainly does not.

Q Do the Communists use different language when speaking to their members than at any other time?

MR. GREEN: I object.

THE COURT: Sustained. Too general.

Q (By Mr. Bassett) Do the Communists make use of any special language for purposes of security or deception?

MR. GREEN: I object.

THE COURT: I will let him answer yes or no.

THE WITNESS: Most certainly nod.

Q (By MR. BASSETT: Doctor Aptheker, I show you Government Exhibit 16, which is the Constitution of the Communist Party and call your attention to the very first page, where it says, "The Communist Party of the United States of America is a working-class political party, carrying forward today the traditions of Jefferson, Paine, Jackson and Lincoln and under the Declaration of Independence. It upholds the achievements of democracy, the right of

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life, liberty and the pursuit of happiness and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties; it is devoted to defense of the immediate interests of workers, farmers, and all toilers against capitalist exploitation, and to preparation of the working class for its historic mission to unite and lead the American people to extend these democratic principles to their necessary and logical conclusion."

Now, witnesses for the prosecution have characterized that as AEsopian language. Is that your understanding?

MR. GREEN: I object.

THE COURT: I sustain the objection to the last part of the question, as I so understand it. You can ask him factually, as Crouch was asked, whether it is so or not.

Q (By Mr. Bassett): Is that language AEsopian?

A No, it is not.

THE COURT: What is the next question?

THE WITNESS: Your Honor -

THE COURT: I am sorry but I cannot allow the extensive replies of the witness, which are substantially repetitious.

THE WITNESS: Your Honor, I don't have such - I

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want to raise a point of order. If I am out of order, probably you will tell me so.

THE COURT: There is no formality about it. I have to put some limitation upon these lengthy replies and after you have fully, I think, developed your views on the subject.

THE WITNESS: The only point I want to make is, this is not the Constitution of the Communist Party today and if it was so submitted by the Government, as I have been told, it is erroneous.

THE COURT: That is a perfectly proper comment. I don't know what the fact is. What is this, the 1945 Constitution?

MR. GREEN: The 1938 Constitution, and there has never been any contention that that is in effect today. It is more or less agreed that the Constitution in 1945 -

THE COURT: All right, the witness need not be bothered about that.

MR. BASSETT: That was the language that the witness Crouch was asked about and that is why I wished to ask this witness.

THE COURT: That is all right. Go ahead.

MR. BASSETT: I think we have the current Constitution, which is Defendants' Exhibit 10, which is the Constitution of the Communist Party.

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THE COURT: I understand there is a difference in the language?

THE WITNESS: Yes, sir.

MR. BASSETT: Published in 1948. I show this to you -

MR. FLYNN: His Honor asked a question.

THE COURT: Is there any difference between the 1948 and 1945 language which you referred to?

MR. BASSETT: I believe there is. There is the language I am about to refer to.

THE COURT: Has it any relation to this question of whether it is AEsopian in its nature or not?

MR. BASSETT: It has two references - I am not even dealing with the same paragraph. I am about to direct his attention to another section, which has also been characterized as AEsopian, but which section only appears in the current Constitution.

THE COURT: Read it to him then and ask him.

Q (By Mr. Bassett): This is page 9 of Defendants' Exhibit 10, on the second line of paragraph 5. There is the phrase "democratic centralism". Now, is that term ever used in an AEsopian sense?

MR. GREEN: I object to that. I don't know that anybody has ever claimed that it was AEsopian.

THE COURT: The question, to be proper, would be:

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Is the term you used, as used in what you read from, in AEsopian sense?

MR. BASSETT: Thank you very much, Your Honor. Mr. Witness, will you answer the question as formulated by the Court?

THE WITNESS: No, it is not used in an AEsopian sense.

Q (By Mr. Bassett): Now, with reference to the same phrase in another aspect, will you tell us what you have taught to be the definition or meaning of that phrase?

MR. GREEN: I object.

THE COURT: Sustained.

MR. BASSETT: Will Your Honor indulge us?

Q (By Mr. Bassett): While search is being made for the exact volume of transcript, I may say, if Your Honor please, that there was some question about the meaning of that term, and it appears in the testimony of the witness Crouch at pages 382-3 of the transcript. The question was: "Q I don't think we want to go any further than that.

Incidentally, in there, Mr. Crouch, I notice you read something referring to democratic centralism. Now, is that a particular phrase that has a peculiar meaning when used in Communist literature?" May I ask the witness that question?

THE COURT: Certainly.

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Q (By Mr. Bassett) Mr. Witness, directing your attention to the phrase "democratic centralism", is that a particular phrase which has peculiar meaning when used in Communist literature?

A No, it has no peculiar meaning at all. There are no peculiar meanings in Communist circles.

Q What is the meaning?

A I think the clearest expression of the meaning may be obtained from a statement on it by Mr. John Williamson, a National leader of the Party, which, I believe, was made in 1945. If counsel will give me the printed pamphlet on "The Struggle Against Revisionism", I will find it.

THE COURT: Can't you just tell us what your understanding or what is the meaning of democratic centralism, without referring to a long, or to what somebody else said about it?

THE WITNESS: I can, sir, if Your Honor directs me to do it that way.

THE COURT: I am not directing you at the moment to do it any way. I am just trying to expedite the development of the cross-examination. I suggest to you that it will save time if you will give your definition of it rather than what Mr. Williamson said about it.

THE WITNESS: All right, sir. Democratic Central-

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ism has no meaning confined to the Communist Party - very common - is a method of assuring the fullest and the most effective participation of the members of an organization in the formation of ideas and policies of that organization. It is a method also by which the leadership of that organization, whoever they may be, can have the quickest and clearest way of ascertaining the desires and the feelings of its membership.

It is, thirdly, the way in which this elected leadership have to thus democratically ascertain the will of the majority of its organization, may effectuate that will; the effectuation of that will under democratic centralism requires the taking into consideration of the local circumstances and clear and explicit in democratic centralism is this necessary flexibility in terms of local requirements and local conditions, which the leadership, even under democratic centralism, may not be fully informed of.

In sum, it is the use of the most democratic type of organization possible, for an organization, if it is to be an organization - this is the meaning of democratic centralism. This is what the Communist Party understands of it and the way it operates.

MR. BASSETT: Now, if Your Honor please, the man referred to as the author of the quotation which out

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witness intended to read is John Williamson, who is, I believe, one of the co-defendants with the defendants here.

THE COURT: No, he is named as a co-conspirator but not a co-defendant.

MR. BASSETT: It was a slip of the tongue, Your Honor, a co-conspirator, and it would seem to me very significant to the jury to know what an alleged conspirator said.

THE COURT: That is not my understanding of the rule of evidence in conspiracy cases. The Government has offered in evidence the declaration of a co-conspirator against the defendants. I am not clear of it being suggested that the defendants can offer in evidence declarations of a co-conspirator in their own case. Perhaps the reason I am giving you for the ruling is of little application in this case other than to state why what you are proposing to read or have read by the witness is not evidence in the case. What is your next question.

I may imply that again, merely in giving you the reasons for the ruling, if the Government has offered in evidence something that Mr. Williamson has said adverse to the defendants, you can, of course, very likely show that that was not correct, and might possibly be entitled to show what he did say, but the Government has not offered

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anything by Williamson as bearing on this point.

MR. BASSETT: That particular pamphlet was offered.

THE COURT: I understand, but it is a statement of Williamson.

Q (By Mr. Bassett): Well now -

MR. HUGHMAN: I just want to enter our objection in the record because it does present an authoritative and accurate representation of the views of the Communist Party, as expressed by Williamson in that article.

THE COURT: I have nothing further to say at this time.

Q (By Mr. Bassett): Doctor Aptheker, the prosecution witnesses have stated that Marxism-Leninism is inconsistent with democracy. Is that correct?

MR. GREEN: I object.

THE COURT: I sustain the objection here on the ground that the evidence was given by witnesses and you are asking this witness whether the statement of other witnesses is true or not. It is not the way under the rules of evidence to ask the question. Phrase the question in such a way as to make it admissible.

Q (By Mr. Bassett): Is Marxism-Leninism inconsistent with democracy?

MR. GREEN: I object.

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THE COURT: I will let him answer if he will answer it briefly, but not repetitious of what he has already said. I thoroughly understand the witness to have clearly stated that it was not what he had said.

MR. GREEN: May I ask that the witness define-

THE COURT: I sustained the objection for the reason I have given, repetitious.

MR. BASSETT: If Your Honor please -

THE COURT: He already has covered the subject.

MR. MEYERS: I would like to object to this ruling. We have asked heard of the prior Government witnesses, expert supposedly, with qualifications, asked such questions and were in no way limited to a yes or no answer and were in no way told to limit their answers and they stated this and that and the other, and the record shows it, and now when the defense presents an expert witness, it seems to me from what I have observed here in the court that in too many occasions are efforts being made to limit what he has to say.

THE COURT: Proceed with your question, Mr. Bassett.

4 (By Mr. Bassett) Does the Communist Party teach that Marxism-Leninism is inconsistent with democracy?

MR. GREEN: I object.

THE COURT: I will let him answer the question

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briefly.

THE WITNESS: No. On the contrary, it teaches that it is consistent with democracy.

Q (By Mr. Bassett) Can you substantiate that answer with reference to the reading of Marxist-Leninist materials?

MR. GREEN: I object.

THE COURT: I sustain the objection because I think the matter has already been fully covered by the witness.

Q (By Mr. Bassett): A prosecution witness told us "Dictatorship of the Proletariat" meant people who have no property would take the reins of government from those who have. Is that an accurate definition as used by the Communist Party of the United States?

MR. GREEN: I object.

THE COURT: I will let him answer, only the basis of not repeating what he has previously said. You asked a similar question about an hour ago and he gave his definition of the proletariat. The only new thing relevant there is that you say a witness for the prosecution testified that the taking of power by the proletariat by force. You can ask him briefly, as a new matter, whether that is a correct meaning of Marxism-Leninism.

Q (By Mr. Bassett) Will you answer the question, Mr. Witness, with the limitations set forth by the Court?

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Would it help if the clerk read it to you?

A Yes.

(Question by Counsel and Court repeated by the reporter.)

THE WITNESS: No, it is not a correct meaning. The whole concept of the dictatorship of the proletariat is rule by the majority rather than dictatorship of the bourgeoisie, which is rule by a minority. Force and violence does not enter into this.

Q (By Mr. Bassett): Doctor Aptheker, do Communists believe and teach that all capitalistic governments - that there is no distinction between different types of bourgeoisie governments?

MR. GREEN: I object.

THE COURT: I think the question is rather theoretical and rather far from the main point. It may be that some Government witnesses said something on that point. If so, of course, you can offer evidence on it in your behalf, but it seems to me that it is rather apart from the issues we have in the case.

MR. BASSETT: If Your Honor please, there is a rather brief - and we think very significant point to be made in that connection,

THE COURT: What is it?

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

C 15

A No, although Communists refer to capitalistic governments in accordance with the concept of the State as dictatorships of the bourgeoisie, but make very definite differences between different capitalist states. Thus, they value very highly democratic rights in bourgeoisie states and thus they fight against and detest the denial of such rights as in the fascist government, where one also has a bourgeoisie dictatorship. Communists make a fundamental distinction between these and strive to protect and enhance all other rights of democracy.

Q Doctor, what is a fascist government?

A A fascist government, such as the government of Hitler, was as a government of bestial brutality, open, naked, profoundly racist, chauvinist, murderous rule, usually confined directly in the hands of a single dictator, representing the most powerful and richest and most imperialist of the monopoly capitalist of his country, who have put him and his party in power to crush democracy and the working class.

Q Doctor, is the Communist Party emphasis on fascism AEsopian and is their program against fascism deliberately couched in misleading language?

MR. GREEN: I object.

THE COURT: Overruled.

THE WITNESS: Most certainly not. The greatest

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contribution of Communists is their principles and heroic resistance to fascism and they have lost thousands of the greatest people in the world, murdered by the fascists. Their resistance to it is principle and there is nothing that will ever stop the Communist from fighting against fascism.

Q Does the Communist Party understand the phrase "united front" to mean that the Communist Party of the Soviet Union forms the basis of unity of action to a great or lesser degree - and I would appreciate your explaining your answer to that.

A May I hear that again?

Q The Communist Party, I will ask it in another form. The prosecution witnesses stated that the Communist Party understands the "united front" to mean that the Communist Party in the Soviet Union forms the basis of unity of action to a greater or lesser degree. Now, I want you to tell us what the Communist Party means by united front, if that is what they mean; if not, what does it mean?

MR. GREEN: Do you understand the question?

THE WITNESS: Yes, I understand it very well. The reason for the difficulty, I think, is the fantastic content of the remark. United front means unity between all elements, groups and organizations within the working

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class. That is all it means, all it has ever meant. It is one of the fundamental programs of the Communist Party. The united front is the unification of all working class groups, parties, organizations, particularly to resist fascism. It is the base of what the Party calls the Peoples Front in the United Front of the working class, to gather unity from every mass element of the people to resist fascism and reaction. That is the only meaning of united front. There is no other.

Q What is the Communist Party concept of self-determination with particular emphasis in the United States?

MR. GREEN: I object.

THE COURT: I think that is admissible in view of some Government testimony.

THE WITNESS: On the question of self-determination of the Negro people in the United States, I would like to present first of all on this key question very brief statements made on this by leading figures on this question in the Communist Party.

MR. GREEN: I object to that. The witness was asked to define -

THE COURT: That is right. Please confine your answer to your statement of what that means in the Communist Party. I can not at this time permit you to

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make further particular reference to particular statements or particular parties.

MR. BUCHMAN: If Your Honor please, the only way in which the Government documents came in was in the course of statements made by prosecution witnesses who qualified as experts. Doctor Aptheker is a leading authority on that particular question and I submit, Your Honor, you should permit him to read documents which represent the views of the Communist Party as part of his expert testimony.

THE COURT: How long will that take, Mr. Buchman?

MR. BUCHMAN: I don't know.

MR. BASSETT: We would probably use up the time until the customary hour of adjournment for lunch; the first about five minutes.

THE COURT: If it will only take five minutes -

MR. BASSETT: I am not sure it would be that short.

MR. BUCHMAN: I think Doctor Aptheker would be the best judge of that.

THE WITNESS: To actually read the extracts, I will limit that to five minutes, and then, if I may have two or three minutes to offer my own summation, I will do that, my own definition in terms of the question.

THE COURT: I think it would be more helpful to

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the jury if you started with the latter and followed it up by another five minutes of something else. I think the presentation would be clearer if you made your own statements about it. Do you wish to do that?

THE WITNESS: And then may I read the extracts?

THE COURT: I suppose you will have to do that or I suppose you may want to do it in your own order. Do you want to do it in your own way?

THE WITNESS: I would prefer my own way if there is no objection.

THE COURT: Very well. I think the jury is entitled to some rest at the present time.

Might I ask for information about how long you think the further examination of this witness will take?

MR. BASSETT: If Your Honor please, my questions will not take too long. There are only a very few more questions on our list unasked.

THE COURT: It would be helpful to the Court if in avoiding the unnecessary consumption of time, you would ask the witness to abbreviate his answers somewhat. I think it would be helpful to all of us. We will now take our recess today until quarter past two.

(Thereupon, at 12:55 p. m., a recess was taken until 2:00 P. M.)

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AFTERNOON SESSION

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(Met, pursuant to the taking of the recess, at 2:15 o'clock p. m.)

THE COURT: Proceed.

MR. BRAVERMAN: May it please the Court, I have a request to make which is a little unusual, but I will state it briefly.

I have two witnesses here who will take a very short time, maybe ten or fifteen minutes, to testify in my behalf. One is a member of the Bar, and he has many commitments and another comes from Pittsburgh, and he would like to be able to return to his home.

I have asked counsel for the defendants and Dr. Aptheker and they have no objection to having these two witnesses go on for a short period of time and then have Dr. Aptheker go back to conclude his examination.

THE COURT: I would like to finish with the witness who is now on the stand and then we may be able to give you an opportunity this afternoon to have your witnesses testify.

MR. BRAVERMAN: All right.

THE COURT: Proceed.

MR. BASSETT: Thank you, Your Honor.

Thereupon,

DR. HERBERT APTHEKER,

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

## DIRECT EXAMINATION (continued)

2

By Mr. Bassett:

Q Dr. Aptheker, you were in the process of answering questions dealing with self-determination. Would you please continue?

A I said that I would like to quote rather briefly from two works on this question and then briefly offer a summarization of the meaning of the position.

The two works are right there (indicating). May I have them?

(Mr. Bassett handed two books to the witness.)

THE WITNESS: This book which I hold in my hand is entitled "Negro Liberation." It was written by Harry Haywood, published by International Publishers in 1948.

On page 160 of that book the following appears, quoting:

"The recognition of the principle of self-determination implies an uncompromising fight for the conditions for its realization; that means, the fight for equality in all fields, and against all forms of national or racial oppression, in short, complete democracy in the country. The exercise of the right of self-determination is the crowning point of this struggle and symbolizes that the equality of the given nation has been fully achieved."

On that page there is a footnote cited by the author, and the footnote quotes the "Amsterdam News" a conservative Negro newspaper of New York, which "Amsterdam News" of August 25, 1945 the author quotes, saying:

"In this respect, an editorial in the 'Amsterdam News', a conservative Negro newspaper of New York, is highly suggestive. The editorial states in part: 'A study of the census figures sheds some light on why Bilbo and Co. are anxious for a "Back to Africa movement." According to the 1940 Census, there are 180 counties where the Negro is the largest part of the population, which counties represent 4,237,739 persons. . . When the Negro gets the vote in those counties" -- meaning the Southern counties -- "we will have a large area in which political self-determination will be possible. That explains why the poll tax and anti-lynching bills are fought so bitterly" and so on.

To continue the quote from Haywood:

"It would be scraping the very bottom of the foul pit of distortion and calumny to label this democratic need of the Negro people of the Black Belt a concession to Jim Crow, or to assert that it plays into the hands of the Bilbos and Talmadges. Jim Crow means separation of Negro and white, a

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separation arbitrarily and violently imposed by the Negro's oppressors. It is the instrument of imperialist national oppression."

And this concluding sentence here:

"But the right of self-determination for the Black Belt Negro, on the contrary, commits its proponents to the most consistent and unremitting fight for every democratic need of the Negro people; it means the obligation to assist in the organization of and to give practical support to their fight against all forms of Jim-Crow oppression and violence to the point of the establishment of their full equality; that is, the realization of the concrete conditions in which the right of self-determination of the Negro nation can be exercised."

Then there is the following from the second source I indicated, which is a pamphlet entitled "In Defense of Negro Rights" by Benjamin J. Davis, a publication of the New York State Committee of the Communist Party, and the publication date is January 1950.

Mr. Davis writes there on page 39, as follows, and it might be stated that what he writes here is a summary of a report which he made for the Communist Party, and he writes:

"I said that in the deep South, in the Black

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Belt area, where the Negro people constituted a majority, our Party raised the slogan of the right of the Negro people in the Black Belt area to determine their own destiny, to exercise the right of self-determination; that our Party raised that slogan because the Negro people, having lived in that area for 300 years, had all the attributes of nationhood; that the question of regarding the Negro people as a nation was co-extensive with realizing the full dignity of the Negro people as a people, and that they had so regarded themselves and spoken of themselves in many historic documents, which I mentioned to the National Committee meeting. I said that the Negro people in this area, who wanted freedom, who wanted to own the land in that area, who wanted equality and democratic rights and their full citizenship under our Constitution, that the Negro people had for 300 years had an experience that no one would guarantee their having those rights. The best guarantee for the Negro people in that area having those rights was that they should be able to determine their own destiny and enforce these rights for themselves."

There is just about a page more.

"Now, I also pointed out however that this could not be achieved unless the Negro people had allies.

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First, that they themselves should consciously believe in this position, and also that the Negro people would have allies, and their first allies would be the labor movement in the country.. Other allies would come from the poor white farmers in the South who to a more or less degree also suffer oppression by the landlords.

"So this could not be achieved except upon the basis of the Negro people and their allies understanding this particular point and working together against a common class -- upper class foe.

"We did not advance the slogan of self-determination as a slogan for immediate realization; and that at other periods in the Party's discussion there got abroad ideas that we did not" -- "that we did and those ideas were incorrect.

"Secondly, we were not advancing the theory that there should be a separate black republic of the Negro people in the Deep South; that this also was alien to what we were advocating and to what I was recommending.

"I said on the contrary that no one could exercise the right of self-determination except the Negro people themselves; that that is all we advocated and that it was up to the Negro people themselves in con-

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junction with their allies and supporters to decide just what their relation would be to the state government or to the federal government or in whatever way they wished to establish their destiny or fulfill their destiny."

Finally:

"That the Negro people were Americans, that they are proud of their American citizenship, that they wish not only its responsibilities but they wish also its privileges, and that what they would do certainly to decide their destiny would be determined by their views at the time that the moment arrived when they would have the opportunity to exercise the right of self-determination."

There is a concluding paragraph on the next page:

"Then I pointed out that the whole question of self-determination was one which was not an immediate slogan of action.

"Our immediate fight for the rights of the Negro people was their free and equal citizenship, that is, free and equal in the sense that they would have equality without segregation, without discrimination, without Jim Crow, to their free and equal exercise of their constitutional rights on the same plane and in the same way as other citizens, and that that was our immediate -- immediate objective.

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"Then I said that we were therefore avoiding errors that had been previously made and that these errors I thought should be pointed out there; that our National Committee" -- he means there the Communist Party -- "should adopt a resolution based upon the discussion and my report, and I said that I considered this report which I gave as the substance of a Marxist-Leninist view on the Negro question as a national question in this country.

"I remarked to them that Marx had said in 'Capital' -- that labor in a white skin can never be free while labor in a black skin is branded, and therefore this question of fighting for the equality of the Negro people was a matter of very deep self-interest to the white workers and to our whole country."

I would state in this the following points in addition which I did not read and take up needless time. First the concept of national equality and the position of the Negro people in the United States was put forth first by leading Negro people, and the rudiments of this concept date back prior to the Civil War.

I have myself written an article in "Political Affairs" June 1949 in which I traced the historical evidence of the expression of this sense of "national" going back well before the Civil War. That is the first additional

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point I wish to make.

The second point deriving out of this concept of self-determination is the concept which treated amongst the Negro people prior to the formation of the Communist Party was asserted by leading elements amongst the Negro people and leading newspapers amongst the Negro people decades prior to the appearance of the Communist Party, and this concept of self-determination has been reiterated by Negro people, leaders among them and some of their newspapers -- I do not mean to give the impression that there is complete unanimity, but I am simply saying that this is by no means the concept, a special concept of the Communist Party.

The third concept or point I wish to make is that within the Communist Party, hammering out of this concept, the Negro people in the areas where they are the majority and have been for generations as constituting the attributes of a nation that this in the Communist Party has been particularly advocated and pressed for as the correct view by Negro members of the Communist Party, and of course the quotations which I read have come from distinguished Negro leaders of my Party.

Finally the concept is one which <sup>insists</sup> upon self-determination, and indeed in connection with this phrase of self-determination we find it, the Communist Party finds it interesting that when it is proposed, self-determination,

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the majority of people who live there, there is some concept that this phrase is anti-democratic when the majority of the people who live there do not have those democratic rights, and I think everybody knows that is the fact.

THE COURT: Well, now, strike that out "everybody knows that is a fact."

Continue.

THE WITNESS: May I state it another way?

THE COURT: No, sir.

MR. BUCHMAN: May I note an objection?

THE COURT: No, I think we are having what seems to me to be argumentative.

THE WITNESS: I will conclude by saying that the essence of this concept, free choice, the freedom of the Negro people, there is no question of separation, there is no question of a black republic, but it is a question of what is the scientific application, of what the situation is, of what the Negro people themselves feel particularly of the leaders, the Negro members of the Party, what they feel toward the realization in practice and in life of full democracy for the Negro people.

Q (BY MR. BASSETT) Doctor, in your remarks in that connection you answered most of the specific allegations, but there is one which I would like to direct your attention to. A prosecution witness testified that the Communist Party

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uses the grievances of the Negro people, and in many of them, these are his words, use them as sacrifices, pawns with which to pull their chestnuts out of the fire.

Is that correct, and can you explain your answer?

THE COURT: Well, not a long explanation. I think we have had one very long explanation so far. A very brief answer, I think, would be sufficient.

THE WITNESS: That is incorrect and slanderous in the sense that such an allegation reflects --

MR. GREEN: I object to that, Your Honor, to this witness in answering a question characterizing the opposing view.

THE COURT: The difficulty I have about it is this. It is very difficult for a witness who is a professor, a lecturer upon the subject to be concise in answering questions of fact.

Now, I have permitted very extensive answers to many of the questions because I did not think that the witness would be able to answer them more concisely, and I think that the question can be answered concisely, and I am not sure whether the witness is so answering it or not.

Repeat the question.

MR. BRAVERMAN: May it please Your Honor, I believe that the characterization of this witness, placed upon the witness' testimony as being lengthy when it may have been

more concise, I feel that is not called for by the facts in this case and I think from the beginning of this case when the Government witnesses were on the stand, particularly Crouch who testified and the defendants' counsel sitting at this table tried and tried time and time again when the witness was argumentative and repetitive and he did not object to the question, and we objected to it particularly when he went into a long diatribe, and we objected to all those things but we were not successful, and that is particularly with respect to the testimony of the witness Crouch on this point.

Now, Dr. Aptheker is making a serious attempt to put into a few words hundreds of thousands of pages from a very profound world-wide philosophy which comes, as he said in his testimony from a wide range of subjects, and it may very well be it is not as concise as it may be, but I do not think or feel, surely counsel sitting at this table feel that we do not think that the characterization of his testimony is warranted.

THE COURT: Very well, Mr. Braverman. Your remarks will be noted by the Stenographer as a part of the record, but it is necessary for the Judge in connection with <sup>the</sup> progress of the evidence in the case to progress it, and if your comment is justifiable at all, <sup>and by "justifiable"</sup> I mean correct, you have a right to make it.

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MR. BRAVERMAN: I meant it in the nature of an objection.

THE COURT: If it is correct at all from your point of view, it is the difference between the character of the factual matter which was asked of the Government witness and the character of the questions so propounded to this witness.

That is all I care to say about it.

Go ahead.

MR. BRAVERMAN: I meant it to be in the nature of an objection.

THE COURT: Go ahead, Mr. Bassett.

MR. BASSETT: Your Honor, there is a question pending.

(The last question was read by the Reporter.)

THE COURT: Have you answered it?

THE WITNESS: No, sir, I haven't. I said it is incorrect because first of all the Communist Party is made up of Negro and white people, and secondly the Communist Party does not hold in terms of racism or arrogance or belief that any people, Negro or white could be used as pawns, that they were stupid and sheep-like to be led around.

We do not believe this. We believe the opposite, and therefore such a statement is in essence and in particular violative, the precise opposite of Marxist-Leninist efforts

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and of the character and of the nature of the Communist Party in bringing its message to any people, Negro people included.

Q (BY MR. BASSETT) Doctor, a prosecution witness declared that the basic tenets of Marxism-Leninism do not change, and he went on to say that what did change was known as tactics, but the basic strategy, the basic tenets do not change.

Is that true? And can you cite specific instances?

A It is not true. There are several specific examples of very serious changes in the basic formulations of Marxism.

First of all, Marxism is a change, that is dialectic materialism, it is the science of change, the law of change.

Secondly, in giving specific examples, let us say the essence of alteration in reply to your question which was held by Marx and Engels that socialism could not come in one country, that when it came it would have to come to all countries simultaneously or more or less so. This was a universally held tenet of Marxist conception of the first forty years -- more than that -- fifty years roughly in this philosophy.

It is today, this profound concept is today contrary to the teachings of the Communist Party of Marxism-

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Leninism which says and it has asserted for the past thirty years to the contrary, that socialism can come to one country and not come simultaneously or more or less so to several countries.

Here is another typical instance which was held and which is even expressed in the Manifesto, the feeling that the peasantry may represent a drag on the efforts to get socialism, being an aid to reaction.

This was widely held. It is contrary to that which is held now, and the opposite which is held now as the basic Communist Party program. It is held today universally in Marxism-Leninism that the peasantry constitutes a fundamental ally of the working class, a fundamental reserve of strength in the efforts to enhance democracy and to achieve socialism.

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I will give another fundamental example, an universal conception expressive of the basic theory of Marxism-Leninism, is the slogan: "Working men of all countries unite."

In 1919, Lenin asserted that in our time this is not sufficient. It is not "working men of all countries unite." It is "Working men of all countries and oppressed nationalities, colonial oppressed people unite against the ruling class, unite and bring freedom and democracy."

This modification, this expansion, changed fundamentally the slogan, changed it substantially to a degree universally held, contrary to what was held two generations, a generation ago.

I will give you a further example, if Your Honor please permit me just one minute. I will operate my memory. The other example I have in mind is this. It was a fundamental tenet of Marxism-Leninism, of communist parties, that with the existence of imperialism, world war was inevitable. This was a basic postule of Marxism-Leninism. It is not today. The contrary is asserted and universally held by Marxists-Leninists today. It is held that though imperialism exists, it has been so weakened it is correct to say as hitherto said, given imperialism, world war is inevitable. The peace forces are so strengthened that the people can prevent war, and world war is not inevitable.

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This is a complete alteration, the opposite of the fundamental tenets of Marxism held.

These are some specific examples of this.

Q (By Mr. Bassett) By the way, Doctor Aptheker, what is your interest in this case?

THE COURT: What is that?

MR. BASSETT: I ask him what his interest is in this case. This is to offer the witness a chance to more completely answer a question directed to him by the Court earlier this morning, where he was asked one particular point about his interest in the case.

MR. GREEN: I object to that, sir.

THE COURT: It would be a proper question on cross-examination. I do not believe it would be an usual one for your side to ask. But if you are referring to something particular, the question could ordinarily be asked of the witness, "Have you any interest in this case?" That is a factual matter, which can be answered very briefly.

MR. BASSETT: If Your Honor please, I should be very happy to rephrase the question in that form.

THE COURT: Very well. Put it to him in that way.

Q (By Mr. Bassett) Doctor Aptheker, have you any interest in this case?

A The Court has directed brevity. I have the profoundest interest. I am a Communist. The Communist Party

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is my party, and its views, in my opinion, have been distorted. And based upon this, is this case, a prosecution case --

THE COURT: Now, wait a minute.

A (Continuing) And --

THE COURT: Wait a minute. I am afraid I cannot allow the witness to take that position in this Court. You are not counsel in the case. You have no right to comment on the testimony. And the last thing that you said, which caused my intervention, is that the Government's evidence, I think you were referring to, is a plain distortion of the things you believe in.

A Sir.

THE COURT: Is that what you said?

A No, sir.

THE COURT: I may have misunderstood you. Mr. Stenographer, read the last whole answer.

(Last answer read by the reporter.)

THE COURT: I think that is an improper remark for the witness.

A I am sorry I made it, if it was improper. I didn't understand that it was.

THE COURT: That is all right. I am ruling on a point of evidence. I am not here to have any conference with the witness, and have no desire to do so. On the contrary, my interest is to see the case progress. I

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have already told the Jury a number of times that comments made by the Judge in ruling on evidence are not, themselves, evidence. Evidence is the only thing by which the Jury ought to go. I have insisted on that, that I had, myself, volunteered to make comments that you were transgressing the rules applicable to witnesses.

You are, perhaps, not familiar with judicial procedure, so you would not know.

Now, you say you have an interest in the case, in that you are a Communist, and it is your party, and you wish to see the views of the defendants prevail in this case. That is a further understanding.

Are there any other questions, Mr. Bassett?

MR. BASSETT: Please, I am not sure that the witness had finished his answer. I am not sure. I would like to ask him.

THE COURT: Well, if he has any other interest.

MR. BUCHMAN: I was thinking the last part of Your Honor's statement did not represent what the witness actually said. I would like to have him repeat what he said.

THE COURT: Suppose we begin over again, and Mr. Bassett can ask the question, "Have you any interest in the case," and let him give his answer fully, as he desires, leaving out any comment on his part that would go to the merits of the case. That is for the Jury to determine, and

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not for the witness.

MR. BASSETT: Thank you, Your Honor.

Q (By Mr. Bassett) Doctor Aptheker, have you any interest in this case?

A I have the profoundest interest in this case. My interest in the case is that everything that the democratic way of life, the defense of freedom, the defense of peace, everything that I value more than my life is, I think, involved here. And this is my interest in the case. It is most profound.

Q Doctor, one final question, that has been asked of most of the witnesses, does the Communist Party teach or advocate the overthrow of the Government by force and violence?

THE COURT: Of course, he has answered that question, Mr. Bassett.

MR. BASSETT: I thought that perhaps if he confines his answer to that by way of a summation of what has gone before.

THE COURT: He can briefly answer it, if you desire. But he has already answered it once. Why should you ask him again? I don't wish to seem to be impatient, but there must be a culmination of repetitive questions and answers. The witness has answered that question. I will allow him to answer it again, very briefly.

H 6

MR. BASSETT: Thank you.

A The Communist Party does not advocate force and violence. It cannot, from its philosophy, or any Communist would be expelled from the party. And if I did, I would not be a member of the party. It does not.

MR. BASSETT: I am through with the witness.

THE COURT: I think Mr. Braverman has two witnesses here, one from out of town. I will suspend the cross-examination, if any, for this witness, to accommodate Mr. Braverman.

MR. BASSETT: Thank you. Will you please step down.

WITNESS: Shall I step down?

CLERK: You may step down.

MR. BRAVERMAN: Alexander J. Allen.

CLERK: What is your full name?

MR. ALLEN: Alexander Joseph Allen.

Thereupon:

ALEXANDER JOSEPH ALLEN

a witness called by and on behalf of the defendants, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. BRAVERMAN:

Q Mr. Allen, where do you live?

A Pittsburgh, Pennsylvania.

Q And you are here in response to a subpoena issued

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issued by me?

A I am.

Q And what is your position in Pittsburgh, Pennsylvania?

A I am the executive secretary of the Urban League in Pittsburgh. I am the executive secretary of the Urban League in Pittsburgh.

Q Will you explain very briefly what are the functions of the Urban League, and what your particular functions are?

A The Urban League is a social organization, which specializes in the field of race relations. It is a national organization that has been in existence about forty years. It operates in some fifty-eight cities throughout the country, both North and South, and East and West.

It is interracial in the sense its governing board, its executive board, in each city is made up of both Negroes and whites, and its membership is involved in a similar fashion.

Q Did you ever live in Baltimore?

A Yes, I did.

Q For what period of time?

A From January, 1942, until January, 1950.

Q During the time you lived in Baltimore, what was your position?

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A I came to Baltimore as industrial secretary. I was in charge of the employment program of the Baltimore Urban League. I became the executive secretary in September of 1944, and remained in that position until I resigned to accept a similar job in Pittsburgh.

Q And the Urban League in Baltimore, is that similar in its functions to the Urban League in Pittsburgh?

A Yes, it is.

Q It is also part of the national organization?

A Yes.

Q I understand the Urban League in Baltimore is part of the Community Fund or Community Chest?

A It is a member agent of the Community Chest and a member of the National Social Agency.

Q And the Urban League social organization, do they have people who belong to it?

A Yes. It has what we call an "open membership." Anyone who contributes to the Community Chest of Baltimore or checks an interest in the Urban League is a member, and anyone who applies directly is accepted. I am stating the practices as I was familiar with them during my tenure in Baltimore.

Q During the time you lived in Baltimore, did you know me?

A Yes, I did.

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Q What was the basis of your acquaintanceship with me?

A You were a member of the Urban League.

Q Do you know for how long you knew me?

A I would say from about 1943, perhaps, up to the time I left.

Q Did you know other people in the community that knew me?

A Yes, I did.

Q Now, on the basis of your acquaintenship and your knowledge of the other people's knowledge of me, do you know my reputation, my general reputation in the community?

MR. FLYNN: For what?

Q (By Mr. Braverman) For peace and good order and as a law abiding citizen.

A Yes. I had no question and have no question about your reputation as a law abiding citizen. Now, we had --

THE COURT: Just a minute, please. Mr. Braverman, the reason I am asking this witness to desist for a moment is to ask you what is the legal basis for this evidence at this time, in regard to good reputation.

The rule, I understand, is that the reputation of a party is presumed to be good until it is attacked. Now, is it your idea that you are rebutting evidence that the Government attacked your good reputation for peace and good

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order. If that is the basis, all well and good.

MR. BRAVERMAN: Yes, sir, that is it.

THE COURT: Ordinarily, character witnesses, so-called "reputation witnesses" are called only after a particular person, as a witness himself, has that question brought into issue. I do not know, of course, whether you would be a witness in the case, or not. And simply for the purpose of calling the witness out of order, it is perfectly all right to go ahead.

MR. BRAVERMAN: That is the basis of calling the witness, Your Honor.

THE COURT: Very well.

Q (By Mr. Braverman) I think you were in the middle of an answer.

A I was saying --

THE COURT: You were asked whether you knew Mr. Braverman's reputation for peace and order.

A Yes.

THE COURT: That is the question. You can answer.

A Mr. Braverman, to my knowledge, had a good reputation in that respect, and to the knowledge of persons who came in contact with him that I knew.

Q (By Mr. Braverman) Now, did you ever hear me advocate force and violence?

MR. FLYNN: I object.

PHOTO WATER  
DELIBLE ONION SKIN

H 11

THE COURT: I sustain the objection to that. I think that is not reputation evidence.

MR. BRAVERMAN: I have one more question.

THE COURT: At least, until it is attacked. If there had been some evidence here that you had been given to force and violence in connection with this case, it would be relevant, perhaps. There is no such evidence yet that I have heard.

Q (By Mr. Braverman) I have one final question, Mr. Allen. Before you answer it, the Government may have an objection to it. I would like to put the question. From your knowledge of what you have already testified to, and your acquaintanceship with me, do you think that any of my activities that you know about reflect an intention in any way to overthrow the Government of the United States by force and violence?

MR. FLYNN: Objected to.

THE COURT: Now, Mr. Braverman, I would be glad to hear you on that, if you know any legal basis for my admitting that question.

MR. BRAVERMAN: Well, my position is this, Your Honor, that the charge against me is that I have entered into such conspiracy. This witness has testified he had some knowledge of my activities in the community, community activities in the realm of public life. And I think on that

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basis, on the basis of the charge, that that would be a proper question to ask of this witness.

THE COURT: Of course, what I am asking you is to point me to any rule or law of evidence which would permit me, over the objection, to allow that question to be answered. I have heard reputation evidence introduced in Court hundreds if not thousands of times, and I know of no authority which permits a witness to answer such a question. Do you think that is a matter for the Jury?

MR. BRAVERMAN: The question, Your Honor, I would just like to develop, might be an ancient reference. But I would like to give Your Honor the benefit of something on it.

3 PM

followed  
by  
G.

BRIGHT WATER  
DELEBLE ONION SKIN  
RAC GENTLE

Cavey vs  
Hartingh  
3 pm

Did he think any of my activities reflected intention in any way to overthrow the Government by force and violence?

Now, in one of our meetings prior to the trial of the case, we referred to Your Honor, and Your Honor has discussed with us, the sedition case many years ago. There is some colloquy that took place between counsel and the court dealing with this precise type of question. If Your Honor will indulge me, I can read it to you very quickly and I think it is very interesting.

THE COURT: The case is what?

MR. BRAVERMAN: Rex vs. Walker, in a British court, one of the early sedition trials in the late 18th Century. The exact question which gave rise to the colloquy between the court and counsel is this: Mr. Erskine is asked this question: "Did you ever at any time see Mr. Walker or any others do any act that was inconsistent with the duty of a peaceful citizen?"

THE COURT: You may ask this witness that question. That is not the question you asked. You asked him what he thought about it. Now, you can ask if he ever saw you do anything that was a violation of peace and order against the Government of the United States.

(By Mr. Braverman): Can you answer His Honor's question?

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A The answer to that is no, I didn't see such actions.

Q Did you at any time see me do any act that was inconsistent with the duty of a citizen of the United States?

MR. FLYNN: I object.

MR. BRAVERMAN: It is practically word for word with the Erskine case.

THE COURT: I will let him answer it.

THE WITNESS: No.

MR. BRAVERMAN: That is all.

MR. FLYNN: No questions.

(Witness excused.)

- - - - -

Thereupon,

SOUTHGATE MORISON,

a witness called for and on behalf of the defendant Braverman, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

THE COURT: I may shorten this if you wish. Mr. Morison is a well-known member of the bar of this Court, practising here for many years and specializing in admiralty matters and frequently appears before the Court.

MR. BRAVERMAN: Thank you.

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Questions by Mr. Braverman:

Q Mr. Morison, how long have you known me?

A Four or five years.

Q You appear here in response to a subpoena issued by me?

A Yes.

Q What has been the basis of our acquaintanceship?

A It has been in admiralty cases in which you have represented members of the crew and I represented the vessels on which they were employed.

Q As a matter of fact, we have some matters pending?

A Yes, we have two or three pending.

Q Do you know other people that know me?

A Yes.

Q On the basis of your acquaintanceship and your knowledge of other people's knowledge, what is my reputation for peace and good order and being a law-abiding citizen?

MR. FLYNN: I object.

THE COURT: He must first show the general nature of his mutual acquaintances, Mr. Braverman. That is to say, is it limited to professional acquaintance at the bar or is it a wider acquaintance with your friends and associates.

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

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A It is limited to professional acquaintance at the bar.

Q On the basis of that, will you answer the other question; that is, my reputation?

MR. FLYNN: I think that is entirely too general, what his reputation is.

MR. BRAVERMAN: As to peace and good order.

THE COURT: I will let Mr. Morison answer the question, if he can.

THE WITNESS: As far as I know, Mr. Braverman, in the cases which we have handled, there have been entirely satisfactory relations between us.

Q (By Mr. Braverman): Have you ever at any time seen me do any act that was inconsistent with the duty of a peaceful citizen?

MR. FLYNN: I object.

THE COURT: I will let him answer that.

THE WITNESS: No, I have not.

MR. BRAVERMAN: That is all.

MR. FLYNN: No questions.

MR. BRAVERMAN: I thank you, Your Honor.

THE COURT: I am very glad to accommodate your witnesses.

(Witness excused.)

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THE COURT: Now, is it the desire of the Government to cross-examine the former witness?

MR. GREEN: Yes, if Your Honor please.

THE COURT: Call back Doctor Aptheker.

Thereupon,

DR. HERBERT APTHEKER,

resumed the stand and testified further as follows:

CROSS-EXAMINATION

Questions by Mr. Green:

Q Doctor, how old are you at the present time?

A 36 years old.

Q How long have you been a member of the Communist Party?

A 13 years.

Q That meant you joined in 1939?

A That is right.

Q Had you received your under-graduate degree in 1939?

A Yes, also my master's degree.

Q Have you been a member of the Communist Party steadily since 1939?

A Yes.

Q Were you a member of the Communist Party during your tour of duty in the United States Army?

A Well, there were no - I considered myself such -

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there were no - there was no active functioning as such.

Q Do you know, if you know, how the Party considered you while you were in the military service?

A I would say the Party considered me to be a member in that period.

Q Did you participate in any Communist activity while you were in the military service?

A Well, so far as - let me answer this way - yes, to put it that way.

Q What rank did you say you attained?

A Just one minute, please. Yes, with an explanation. I thought you were going to develop that. That is, I did, because I fought fascism.

Q You did not participate in any Communist meetings or anything of that kind while you were in the service?

A No, I fought for democracy and I fought fascism, which was part of my duty.

Q Now, Doctor, when you were discharged or separated from the service - when was that?

A April, 1946, to the best of my recollection.

Q What was your rank at that time?

A I was then a major.

Q You were then a major. For how long had you been a major?

A I could not answer that exactly, Mr. Green. I would have to check on the record. If you want me to

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offer a certain amount of explanation of that, I would be glad to.

Q If you don't know, I assume that is your answer.

A It isn't quite that, if you don't mind taking a minute. What I wanted to say was, that I had been in active service overseas and in combat as a captain and at that time had certain longevity and sufficient high ratings, so that on severance, in accordance with army regulations, I was given a commission as a major. Now, what the date of that commission is, I simply don't remember.

Q I see. Now, you are, I believe, and you testified you are a member of the Communist Party at this time?

A Yes.

Q Do you hold any office in any organization of the Communist Party at this time?

A No.

Q Do you belong to any club of the Communist Party?

A No.

Q What is the particular segment or branch of the Communist Party to which you belong at the present time?

MR. BRAVERMAN: I object.

THE COURT: Why?

MR. BRAVERMAN: I think that goes beyond the scope of the direct. He merely testified he was a member

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of the Communist Party.

THE COURT: He said he had an interest in it and described what the interest was. On cross-examination, further inquiries are permitted along that line. The objection is overruled so far.

THE WITNESS: I am not on general assignment to a club as such. Because of the nature of my work and because of the fact that I teach,, most of my teaching is in the evening. I do a great deal of lecturing and I am in very frequent consultation and contact with the National leaders of the Party in my every-day work, including my actual occupation in terms of being an editor.

Q (By Mr. Green): To whom and where do you pay your dues, Doctor?

A I have -

MR. BUCHMAN: I object to that. I do not see the relevancy of it.

THE COURT: I do not see it for the moment. It may be that something will develop that will make it relevant. We can not start very well in the beginning of cross-examination, with a witness who has had direct examination for something like five hours, I think, so I overrule it for the moment. It may be that the next question or the question after that will be objectionable and you may make your objection.

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MR. BUCHMAN: I merely wanted to say for the record that it is beyond the scope of the direct examination.

THE COURT: No, I do not think it is in view of what I have just said. Go ahead.

THE WITNESS: Will you repeat that?

Q (By Mr. Green): To whom and where do you pay your dues?

A I normally pay my dues a good deal in advance and I normally pay it at my office. Most frequently I pay it to National leaders, such as Betty Gannett. I think the last time was to Miss Gannett.

Q Normally, you qualify your answer by adding "normally".

A I mean generally.

Q Now, what office does Miss Gannett hold, if any, in the Communist Party?

A I am afraid you have got me there as to the exact - if you want me to -

MR. BUCHMAN: I object to the question on the same grounds previously stated.

THE COURT: Overruled.

THE WITNESS: The fact of the matter is, I am not quite positive. Do you want my opinion?

THE COURT: No.

Q (By Mr. Green): No, I want to know whether you know.

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A I am not certain so that I can testify as to that at the moment.

Q Do you know who the National Treasurer is?

A No, I don't believe I do.

Q How does it happen that you pay your dues to Miss Gannett, not knowing what her role in the Party is and whether or not she is the Treasurer of the Party?

A I know her role generally. She is a National leader of the Party, well-known to me as such. I said the technical information you ask for, I don't know, and I was going to give you an opinion but that is ruled out. I know she is a National leader in the Party and, therefore, I do what I said I do.

Q What activity do you carry on at the present time, Doctor, on behalf of the Communist Party?

A What activity?

Q Yes.

A I lecture. I write. All my writings are geared to the interests of Marxism-Leninism, of the Communist Party and so on.

Q Do you work at the National Headquarters, if I take what you said before -

A No, you mean my place of business, my office?

Q No, but the only body of the Party with which you have any connection is the National Headquarters? You

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don't belong to any district or club or unit?

A I am not actively associated with such a group in terms of a general assignment. I am generally assigned to the area in which I live, my home area, Brooklyn, and in terms of my occupation and work, my party life and contact and so on, is not within such an orb.

Q By whom have you been assigned in your personal life to your neighborhood, however it was you expressed it?

A By the Party itself, by the National organization of the Party and I simply accept that.

Q By whom in the National organization?

MR. BRAVERMAN: In view of Your Honor's earlier ruling to wait until a few questions were asked, I don't think that relevancy has been established and it goes beyond the scope of the direct examination.

THE COURT: The present objection is overruled.

Q (By Mr. Green) By what member of the National office were you assigned to this particular area around your home, Doctor?

A There was no particular National officer.

Q Do you distribute the literature of the Party within your home area?

A Personally, you mean?

Q Yes.

A I am afraid I don't do enough of that in terms of

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my job, my work, but I think I have done some of it. I have to search my memory in terms of times. I am not certain.

Q Are you assigned to a club?

A No, not as such. I have a general assignment in my area.

Q Doctor Aptheker, I show you the Constitution of the Communist Party adopted in 1948, which has heretofore been marked in evidence, and refer you to Section 3 of Article III, which reads: "A Party member is one who accepts the aims, principles and program of the Party as determined by its Constitution and Conventions, who belongs to a club and attends its meetings, who is active in behalf of the Party program, who reads and circulates the Party press and literature and who pays dues regularly." Now, bearing in mind that definition, do you come within that definition of the Communist Party as to who a member is?

A Yes.

Q Then it follows, does it not, that you belong to a club. I would like to know which club you belong to.

A It does not follow necessarily. There is no ironclad regulation, as you seem to think, in the Party, Mr. Green - and I know it perhaps better than you do - I am not positive now - there is no ironclad rule about

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that and we have general assignments, as I have testified, and I have not been assigned to a particular club and I do not attend particular club meetings as such, in which way I have testified here.

Q In other words, am I correct or is it correct to state that this particular portion of the Constitution of the Party is not always in force and followed to the letter?

MR. BASSETT: I object.

THE COURT: The objection is overruled if any is made. I did not hear it.

THE WITNESS: Will you repeat this?

(Question repeated by the reporter.)

THE WITNESS: It is not in force and followed to the letter in its literal sense. I, for instance, already testified that I was a member of the Communist Party in the four years I was in the Army and I was not in a club, I was not assigned to any club but I was a member.

Q (By Mr. Green): You do agree, therefore, that what you call a liberal interpretation does not apply to this particular portion of the Constitution of the Party, is that correct?

A In terms of my explanation, I stand on it. That is my answer to your question.

Q Now, Doctor Aptheker, I show you again the 1949

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Constitution of the Party and refer you to Section 3 of Article VIII, which reads: "Any member shall be expelled from the Party who is found to be a strike-breaker, provocateur, engaged in espionage or who advocates force and violence or terrorism, or who adheres to or participates in the activities of any group party which conspires or acts to subvert, undermine, weaken any and all institutions of American democracy, through which the majority of the American people can maintain their right to determine their destinies", and I ask you to state whether or not this section which I have read is enforced or not enforced within the Communist Party at the present time?

A It most certainly is enforced.

Q Has the Party up until the present time expelled from its ranks persons who have taught and advocated the overthrow of the Government of the United States by force and violence?

MR. BASSETT: I object.

THE COURT: I am not clear just what Mr. Green is driving at, but I imagine it will appear sooner or later if there is any point to it. I do not see any objection to that possible preliminary question. Do you understand it, Mr. Witness?

THE WITNESS: I think I understood the question, yes. May I rephrase it?

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THE COURT: Yes.

THE WITNESS: I believe you asked me whether to my knowledge the Party had ever expelled people who advocated force and violence. Is that what you asked?

MR. GREEN: That is right.

THE WITNESS: To my knowledge, they have. In fact, I believe that was true here in the Party here.

THE COURT: What is that?

THE WITNESS: I believe that happened here in Maryland, that such a person was expelled.

Q (By Mr. Green) Have they always done so?

A Have they always done so? Yes.

Q I ask you to state whether or not Eugene Dennis is now a member of the Communist Party?

A He is.

Q He has not been expelled?

A No. On the contrary.

Q He was found guilty, was he not, of advocating or conspiring to advocate the overthrow of the Government of the United States by force and or violence?

A That "or" is a great big difference, Mr. Green.

Q I will rephrase the question. Has Mr. Eugene Dennis been found guilty of conspiring to advocate and teach the overthrow of the Government of the United States by force and or violence?

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A Mr. Eugene Dennis was so found guilty.

Q Is the same true likewise of John B. Williamson?

A Yes. Sacco and Vansetti were found guilty of murder.

Q Is John B. Williamson now a member of the Party?

A Yes.

Q Has he ever been expelled?

A No.

Q Jacob Stachel, was he found guilty?

A Of what?

Q As I said before, conspiring the overthrow of the Government of the United States by force and violence?

A No, he was not found guilty of that.

Q What was he found guilty of?

A He was found guilty of conspiring to advocate and teach the overthrow of the Government by force and violence.

There is also a big difference -

Q Is he still a member of the Party?

A Yes.

Q Ever been expelled?

A No.

Q Without going through the routine in each case, is the same likewise true of Jacob Stachel, Robert G. Thompson, Benjamin J. Davis, Jr., Henry Winston, John Gates, Irving Potash, Gilbert Green, Carl Winter and Gus Hall?

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A All those people were in one case found guilty of the charge which you have indicated.

Q Are they still members of the Communist Party?

A Yes.

Q Have they ever been expelled?

A No.

Q In other words then, Doctor, the provisions of Section 3 of Article VIII of the 1948 Constitution, which I read to you, were not applied in the instance of those men whose names I have just recited.

A That is a false statement. What you have said is not true.

Q What is correct then?

A What is correct?

Q In your estimation?

A What you got me to say through your question is correct, but that is not the same as saying that they were guilty of violating this Article. They were not guilty of that, nor were they guilty, in my opinion nor in the opinion of the Communist Party, which is the one which enforces its laws, but that they were found guilty by this court, and by a portion of the Supreme Court, the majority, but with some notable dissents.

Q In other words then, is it true to state that the Communist Party does not give credit to the findings

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of the Courts of the United States on issues presented and decided in those courts?

A No, that is not true. The Communist Party is aware of the fact that miscarriages of justice have occurred in courts throughout the history of courts. This is why there are appeals. The Communist Party feels that there have been such miscarriages of justice in cases and even the United States in its courts, and we believe, and I believe, that this was a notable miscarriage of justice, that the finding of guilt was erroneous, and I further believe that vindication will come and not too late, either.

Q In other words then, am I correct, Doctor, or am I incorrect in stating that the extent to which the provisions of the Constitution of the Communist Party are or are not enforced is determined by the top leadership of the Communist Party?

A No, you are not correct.

Q Thank you, Doctor. Are you at the present time or have you ever been in the past a paid functionary of the Communist Party?

A I have never been and I am not now.

Q You, I believe, testified on direct examination that you were now on the staff of the Jefferson School in New York, is that correct?

A That is.

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Q How long have you been so connected, Doctor?

A To the best of my recollection, when I was separated from the service, I would say some time in 1946, I became a member of the faculty. It is a matter of record in the catalogues.

Q And you have been connected there since that time?

A Yes.

Q What salary are you paid there, Doctor?

A Nothing.

Q You are paid nothing?

A That's right.

Q Might I inquire then as to your source of income?

A Certainly you may.

Q What is it? Just generally - it isn't necessary to be specific.

A Generally - I don't mind being specific if you want a specific answer.

Q Generally.

A I earn money from lecturing, writing and from editing.

Q Is the Jefferson - what is it, the Jefferson School of Science?

A Social Science.

Q Is that organized and operated by the Communist Party?

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A No, not to my knowledge, it isn't.

Q Does it have any relationship at all to the Communist Party?

A Any relationship at all?

Q Yes.

THE COURT: I think the witness told us yesterday that its faculty was oriented in the Marxist-Leninist doctrines.

THE WITNESS: That is right, sir. The general approach is that, but the relationship that I would say here in terms of such a question, I believe it is a fact that the Party itself has rented or otherwise used rooms in the building. It is a nine-story building in which our classes have been taught or lectures have been held under the auspices of the Communist Party.

Q (By Mr. Green): Is attendance at classes at the school limited to members of the Communist Party?

A Not at all. You are welcome, Mr. Green.

Q Are there any specific classes or courses which are open only to members of the Communist Party?

A By the Jefferson School?

Q Yes.

A No.

Q Is there within the Jefferson School an Institute of Marx Studies?

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A Yes, that is part of the school.

Q Is that limited to members of the Communist Party or is that open to the general public?

A To the best of my knowledge, it is open to the public.

Q Do you know who the treasurer of the school is?

MR. BUCHMAN: I object.

THE COURT: I think that is rather remote, Mr. Green.

Q (By Mr. Green): Have you at any time taught at the National Training School of the Communist Party?

A I taught two classes, to the best of my knowledge, for the National Training School of the Communist Party.

Q When was that?

A To the best of my recollection, it was in 1947.

Q Was the defendant Meyers among your students in the course?

A That is a very interesting question for the reason that before I got to Baltimore, I didn't know the answer and now I do because Mr. Meyers told me.

Q I suggest you only answer from your own knowledge, Doctor, and not what other people might have told you.

MR. BUCHMAN: The defendant Meyers told him. I think he should be permitted to answer.

THE COURT: If you had objected to the question, I

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would have sustained it because I thought it was not cross-examination.

MR. BUCHMAN: I want him to complete his answer.

THE COURT: You do not object to the question then?

MR. BUCHMAN: No.

THE COURT: You want him to complete the answer?

MR. BUCHMAN: Yes.

THE COURT: Go ahead and do so.

THE WITNESS: I didn't know that as a fact and, since you mention it, it is interesting to know what I was told that by Mr. Meyers here.

Q (By Mr. Green) Doctor, can you tell His Honor and the members of the jury how it is that you find it possible to be on the staff of the Jefferson School without remuneration?

A I live rather modestly. I do not live very well, sir.

Q Do you feel you are in a position to contribute your time and effort without remuneration?

MR. BUCHMAN: I object to that as argumentative.

THE COURT: Sustained.

Q (By Mr. Green) Doctor, have you taught at any schools or taught any courses or individual classes the attendance at which was limited to members of the Communist

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Party?

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

THE COURT: I think there was enough in his direct examination to warrant asking that question. I overrule the objection.

THE WITNESS: Am I to go on here, Your Honor?

THE COURT: Yes, I overruled the objection to the question.

THE WITNESS: May I have the question?

(Question repeated by the reporter.)

THE WITNESS: Yes, this National Training School, to the best of my knowledge of it, was limited to members of the Party.

Q (By Mr. Green) Is that the only instance, Doctor, in which you have taught classes or courses limited to members of the Party?

A No, there have been other occasional instances some years ago. I think I was asked and did the same for the New York State Communist Party.

Q In other words, if I understand your answer correctly, at the present time and for three or four years past, since you stopped teaching at the National Training School, your instructions and lecturing and so forth has been exclusively to audiences open to all persons and not

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limited to members of the Communist Party?

A No, that is not true. At least, I do not think it is true, and I want to give you what you have asked there. I do so much teaching and so much lecturing that I can not always be positive on the exact date, but to the best of my recollection, some of these State classes have been after the time of the National Training School. Just when exactly, I couldn't say. I believe they have been after.

Q Doctor, you refer to the classes you have conducted for the New York State branch of the Party?

A Yes.

Q Have you taught any class Communist courses or classes in Baltimore or Maryland?

A No.

Q How many times have you talked in Maryland?

A Taught or talked?

Q Talked or lectured.

A You mean publicly?

Q Yes, you said you had not been at the closed sessions.

A Yes, I remember I was - once again, Mr. Green, I could not give you an exact answer, I mean the dates. It has been at least once and probably more than that.

Q Has that been under sponsorship of the Communist

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Party?

A I don't think so, but once again, I can't positively answer. I don't remember the exact group.

Q You testified, I believe, on your direct examination that you had written a number of books?

A Yes.

Q By what publishing house have they been published?

A Several. Do you want them all?

Q Is there is not more than five.

A There is not more than five. I have had these books and pamphlets which I mentioned published by International Publishers, by the Columbia University Press, by the Associated Press, which is the press of the Association for the Study of Negro Life and History; by the Citadel Press, by the New Century; two items, one reprinted and one on the order by the Army of the United States. I think that is a fairly complete list.

Q Who is head of the International Publishers?

MR. BRAVERMAN: Your Honor, I don't see the relevancy of this. We won't get into the head of the Army.

THE COURT: We have already had evidence by both sides that the International Publishers are the official publication agents of the Communist Party.

MR. BRAVERMAN: The defendants have not testified to that.

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THE COURT: Well, I do not contradict you but that was my impression, that there had been no opposition of that sort. I see no trouble about the question. It may be that it causes an unnecessary consumption of time. I can not for the moment determine whether Mr. Green is leading up to something that may be important.

MR. BRAVERMAN: I was wondering if they will go through all five, including the United States Army, if he wants to.

THE COURT: Go ahead, Mr. Green.

Q (By Mr. Green) Who is the head of the International Publishers, Doctor Aptheker?

A To the best of my knowledge, the President of that corporation is Mr. Alexander Trachtenberg.

Q Is he an official or member of the Communist Party?

MR. BUCHMAN: I object.

THE COURT: Why don't you just ask if the International Publishers is the official publishing house for the Communist Party, if he knows?

MR. BUCHMAN: I also object to that as being immaterial and irrelevant and beyond the scope of the direct examination.

MR. GREEN: I will withdraw the prior question, if Your Honor please, and ask the question in this way.

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Q Is the International Publishers and New Century officially the publishing houses of the Communist Party?

THE COURT: If you object, I sustain the objection because the evidence of the Government, so far uncontradicted, is that they are and, therefore, it is unnecessary to repeat it.

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

THE COURT: I thought somebody on your side objected. What is the next question, Mr. Green?

Q (By Mr. Green) Doctor, I show you an issue of the Daily Worker, New York, Tuesday, September 21, 1948, and direct your attention to page 8 under the heading "Letters from Readers", and ask you whether or not the letter printed there, signed "Herbert Aptheker" is a letter you wrote and printed in this Daily Worker?

MR. BASSETT: I object.

THE COURT: I will let him answer the question yes or no first.

THE WITNESS: I have to read it. I believe I wrote that letter.

Q (By Mr. Green) Does it express your views at the present time?

A Let me read it again. I didn't know you were going to ask me that. In a way, I think it does. I think

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it is written in terms of the newspaper, perhaps a little bit agitationally, but I do not withdraw from anything stated in that letter.

Q You wrote it?

A Yes.

MR. GREEN: I would like to offer this and read the letter to the members of the jury.

THE COURT: For what purpose, Mr. Green?

MR. GREEN: To show the present attitude of the witness, if Your Honor please.

MR. BASSETT: I object.

THE COURT: That is a rather broad expression, "the present attitude of the witness". What do you mean by attitude? Do you mean his interest, to contradict anything he has said on direct examination? You will have to be a little more specific as to the proper basis for the introduction into evidence.

MR. GREEN: To show, if Your Honor please, his attitude and approach at the present time and at that time to courts, with particular reference to his bias and prejudice in this particular instance.

THE COURT: For the latter purpose, if you undertake to show it, it is admissible.

THE WITNESS: If I had known that was his intention when he asked the question, I certainly would

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not have answered the question the way I did. It is certainly a very interesting way of getting it in that way.

THE COURT: Well now, Mr. Witness, I can understand your very great interest in the case, as you have expressed it, but I must remind you that you are here as a witness and your last comment is not at all appropriate.

If you have been quoted incorrectly, that can be corrected, of course, by counsel. Now, let's go on.

MR. BASSETT: I would like to note my objection.

THE COURT: Do you object to the letter?

MR. BASSETT: Yes.

THE COURT: I overrule the objection. Now, are we all quiet. Mr. Green, you may read the letter.

MR. BUCHMAN: May I state the grounds for my objection to the letter?

THE COURT: Yes.

MR. BUCHMAN: It is immaterial, irrelevant and beyond the scope of cross-examination and does not contradict anything the witness said on direct.

THE COURT: Until Mr. Green said it was offered for the purpose of showing the possible bias of the witness, I would have been disposed to sustain your objection. It is legally proper for the Government on cross-examination, just as from your side, on many, many rulings I made last week, to show any bias, interest

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or assumed bias therein with regard to a witness. Go ahead, Mr. Green, and read the letter. The objection is overruled.

MR. BRAVERMAN: Your Honor -

THE COURT: I do not want to hear any further argument on that point and I do not want to be discourteous to counsel but there must be some termination to these points of evidence that I have to make. Go ahead, Mr. Green.

MR. GREEN: This appears, Mr. Foreman and members of the jury, in the Daily Worker for Tuesday, September 21, 1948. It appears under the column headed "Letters from Readers". The heading over the particular letter is: "Give Them a Trial and Shoot Them". "New York. Editor, Daily Worker:

"In connection with the federal government's indictment of the 12 Communist leaders on the charge of advocating the idea of forcible overthrow of the government, there are many people who take the attitude: 'Well, at last, now we will get a judicial verdict on this business. Now we'll get the facts and once and for all the business will be settled.' There is too little awareness of the frame-up character of the entire proceeding, though some light has been shed on this basic aspect of the case

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by the unprecedented attempt to forbid the travel of persons merely under indictment.

"All this reminds me of an editorial that appeared in the Charlotte, N. C. News in 1929, when that paper was discussing the forthcoming trials of union organizers in the textile industry of North Carolina, on framed charges of provoking and using violence.

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"Said the impartial editor:

"The leaders of the National Textile Workers Union are Communists and are a menace to all we Americans hold dear. They believe in violence, arson, murder. They want to destroy our institutions, our traditions. They are undermining all morality, all religion. But nevertheless they must be given a fair trial, although everyone knows that they deserve to be shot at sunrise."

"This aptly sums up the attitude of the bourgeoisie -- 'give them a fair trial and shoot them at sunrise.' History proves that the most effective antidote for this poison is organized, mass pressure -- the more the better."

MR. BASSETT: Your Honor, I move that that be deleted from the record.

THE COURT: I overrule the motion.

MR. GREEN: I offer the original, if Your Honor please, and ask leave to substitute in lieu thereof of the original a photostatic copy of page 8.

THE CLERK: Government Exhibit 54.

(Page 8, "Daily Worker",  
September 21, 1948 was marked  
Government's Exhibit 54.)

THE COURT: Of course, the jury will understand that in overruling the motion and in ruling on other points

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of evidence the Court is not expressing any personal opinion as to the effect of the evidence. That is entirely for the jury in all cases.

Q (BY MR. GREEN) Doctor, do you know William Z. Foster?

A What did you say?

Q William Z. Foster, do you know him?

A Yes, I know him.

Q Does he hold any office in the Communist Party at the present time?

A He is National Chairman.

Q For how long has he been National Chairman?

MR. BASSETT: If Your Honor please, that is a matter of record and was testified to.

THE COURT: What is that?

MR. BASSETT: It seems to me to be entirely immaterial and collateral. This is cross-examination.

THE COURT: I suppose the witness has referred to Mr. Foster a dozen times in his direct examination. I overrule the objection.

THE WITNESS: Let's have that question again.

Q (BY MR. GREEN) How long has he been National Chairman?

A Precisely I can't answer that, but it has been several years.

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Q Do you know how long he has been a member of the Communist Party?

MR. BASSETT: I object to that question.

THE COURT: I will sustain the objection to that.

Q (BY MR. GREEN) I believe, Doctor, in reading quotations you read from various Foster works; is that correct?

A I think I did this morning.

Q Or at least one.

A I don't have that type of memory. If you say I read from one, I will accept that.

Q Do you consider him, Doctor, to be an authority on Marxism-Leninism at the present time?

A Yes.

Q Do you consider that all of his writings are authorities on the character and interpretation of Marxism-Leninism?

A No, indeed.

Q You do not?

A I do not.

Q Do you know how many volumes he has written?

A Not exactly, no. I can give an estimate if you want it.

THE COURT: Well, I do not want to go into any more voluminous documentary evidence. I think that if you

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pursue that line of examination it would lead us into a great deal of uncertainty in the case.

Q (BY MR. GREEN) Then I will ask you this question: Why is it that some of Mr. Foster's works are authoritative interpretations of Marxism-Leninism and why is it that others are not?

THE COURT: I do not think that the witness' personal opinion about it with respect to the writings of Foster is going to be helpful to us in the case. Anybody who is a student of books may agree with some things which the author says and disagree with others, and it would get us no where just to find out what portion of what Foster writes this witness individually agrees with or what he does not agree with.

So, I sustain the objection to that question as put.

(Mr. Green handed a book to counsel for the defendants and then handed it to the witness.)

Q (BY MR. GREEN) Doctor, I show you a volume entitled "Toward Soviet America" by William Z. Foster, printed in or copyrighted in 1932 and ask you if you know whether or not the author of this volume is the same as the current National Chairman of the Communist Party?

A I know he is the same.

Q He is the same?

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A Yes, he is the same man, the same Foster.

Q You have examined this book?

A The fact is I haven't.

Q You haven't?

A No, I haven't.

Q You did not feel it was necessary to ascertain from an expert point of view on Marxist-Leninist doctrines to read this volume by Foster?

MR. BASSETT: Objection, Your Honor.

THE COURT: Sustained.

Q (BY MR. GREEN) Why did you not read it, Doctor?

MR. BRAVERMAN: Objection.

THE COURT: Sustained.

MR. GREEN: May I have it marked for identification if Your Honor please?

THE COURT: Yes.

MR. BUCHMAN: Objection, Your Honor. We were not permitted to offer documents on cross-examination.

THE COURT: One or two? So far as I recall it was after the matter had been sufficiently explained by the witness. Now, marking for identification means really nothing except the fact that the book has been identified by the witness.

Now, if hereafter some one wants to refer to it --

MR. BUCHMAN: The witness has not identified the

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book. He has never seen it.

THE COURT: He says he knows it was written by this man Foster who has been referred to.

MR. BUCHMAN: I want to say that --

THE COURT: If you do not wish it to be marked for identification or identified, I will sustain the objection to that.

MR. BASSETT: Thank you, Your Honor.

THE COURT: If hereafter it is identified so that it can be put in evidence I will admit it but I am not disposed to admit much more documentary evidence in this case unless it is really something new or vital as it appears at the time.

Go ahead, Mr. Green.

Q (BY MR. GREEN) Do you know whether or not, Doctor, William Z. Foster has ever advocated or taught the overthrow of the Government by force and violence?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: I think that is permissible because the witness has made a categorical statement that the Communist Party has never advocated the overthrow of the government by force and violence, and Foster is referred to as the Chairman of the Communist Party for some years past, and I think therefore that the question on that ground is admissible.

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MR. BUCHMAN: If it is directed to time, to the time the witness knew William Foster because after all, William Foster is an elderly man, and to say that somebody in his life advocated force and violence, I don't see how anybody can answer that question.

THE COURT: If he does not know, he can answer that. That is permissible, but witnesses do not often exercise that privilege, but they have that privilege.

What is the question, Mr. Green?

Q (BY MR. GREEN) Do you know, Doctor, whether or not William Z. Foster, the author of this book I just showed to you, and the current National Chairman of the Communist Party has ever advocated or taught the overthrow of the government of the United States by force and violence?

MR. BUCHMAN: Objection. It is too broad, too general.

THE COURT: The witness can answer yes or no or "I don't know."

MR. BUCHMAN: He might have known him at the age of five.

THE COURT: It is a simple question of fact that he is asked. He may answer that question in three possible ways, yes, no, or I don't know.

THE WITNESS: In terms of the writings I am in no position to answer that question either affirmatively or

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negatively and therefore I, as the Judge said, I will answer I don't know.

THE COURT: All right. It is about 4 o'clock, our usual adjourning hour.

For the convenience of everybody, may I ask how many witnesses more the defense will probably have?

THE WITNESS: Sir, may I bring up a personal point just to --

THE COURT: What is that?

THE WITNESS: I want to say that I live out of town.

THE COURT: Yes.

THE WITNESS: And I want to know just how long this will be as I have other engagements, and so on.

THE COURT: I am trying to get some information for myself and if I get it I will impart it to you.

MR. BASSETT: If Your Honor please, the matter has not been fully gone into between the various counsel for the defense, but at most there will only be a few more witnesses.

THE COURT: The witness would like to know how long he will have to stay in Baltimore.

I imagine he will be able to get away some time tomorrow morning. At least I am entirely hopeful about that. You are required to be here tomorrow morning at ten o'clock.

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THE WITNESS: I just would like to know when I may leave.

THE COURT: It looks to me, of course -- the Judge does not control the order of proof. That is for counsel.

THE WITNESS: Yes.

THE COURT: But it looks to me, as a guess on my part -- that you will probably be able to get away sometime tomorrow morning. At least I hope so.

MR. GREEN: If Your Honor please, our Government Exhibit 35, we filed the original, and I would like at this time to ask leave of Your Honor in lieu of the original to substitute a photostatic copy.

THE COURT: Is it legible?

MR. GREEN: Yes, sir.

MR. BUCHMAN: I hope it is more legible than the copy we got.

THE COURT: Is there any objection?

MR. BASSETT: No, sir, no objection.

THE COURT: Very well. Permission granted.

The jury is excused until tomorrow morning at ten o'clock.

The Court will adjourn.

(Thereupon, at 4 o'clock p. m., the trial of the above-entitled case was adjourned until Thursday, March 27, 1952, at 10 o'clock a. m.)

I certify that the foregoing is a true and  
correct transcript of the proceedings in the above case.

James J. Owen

Allen R. Hartough

Charles G. Cawey

Official Reporter.

BRIGHT-WATER  
DELICIOUS ONION SKIN  
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