

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

O. DOWNE BUCKETT
SPECIAL ASST. ATTORNEY GENERAL
1200 HUNSBY BUILDING
BALTIMORE 2, MD.

UNITED STATES OF AMERICA

vs.

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

Criminal No. 22322
Criminal No. 22322

TRANSCRIPT OF PROCEEDINGS

Before
HON. W. CALVIN CHESNUT
Judge

Wednesday, March 12, 1952

Volume III

(Page 12 to page 601)

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>
Paul Crouch	415	508 (W) 559 (BU) 587 (BA)

EXHIBITS

<u>Government No.</u>		<u>Page</u>
3	"The Struggle Against Imperialist War"	438
4	"The Communist Manifesto"	479
5	"State and Revolution"	479
6	"Problems of Leninism"	480
7	"Foundations of Leninism"	481
8	"A Letter to the American Workers"	481
9	"Imperialism-The Highest Stage of Capitalism"	482
10	"Strategy and Tactics of the Proletarian Revolution"	483
11	"History of the Communist Party, Soviet Union (Bolsheviks)"	484
12	"Why Communism"	486
13	"Communist Party-A Manual on Organization"	488

- - - - -

Defendants' No.

1	"United Front Against Fascism"	573
---	--------------------------------	-----

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

Baltimore, Maryland
Wednesday, March 12, 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

For the Defendants Philip Frankfeld, Regina Frankfeld and Wood:

MR. HAROLD BUCHMAN

For the Defendant Blumberg:

MR. CARL BASSETT

For the Defendant Braverman:

MR. MAURICE BRAVERMAN

For the Defendant Wood:

MR. JAMES T. WRIGHT

For the Defendant Meyers:

MR. GEORGE ALOYSIUS MEYERS

- - - - -

P R O C E E D I N G S

o/bl

THE COURT: Is the jury called?

(Thereupon the jury entered the courtroom.)

THE CLERK: Call the jury?

THE COURT: Yes.

(Thereupon the Clerk called the names of the jury.)

THE CLERK: The jury called, Your Honor.

THE COURT: You may proceed.

MR. FLYNN: Mr. Crouch, will you please take the stand,
sir?

Thereupon

PAUL CROUCH,

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

DIRECT EXAMINATION (Cont'd)

BY MR. FLYNN:

Q Mr. Crouch in your testimony yesterday you said that you were no longer a member of the Communist Party. I told you I would ask you this morning why. Will you tell the Court and the members of the jury just how you got out of the Party and why?

A The process of breaking with Communism from the time I first had my doubts about the correctness of its program in 1933 until I quit paying dues in 1942, received a membership card from the Communist Party made out in my name but without

O/b2

my request in 1947, I went to the Federal Bureau of Investigation in 1948, involved a very serious conflict with views --

MR. WRIGHT: Just a moment. I would like to object to this on the grounds --

THE COURT: Mr. Wright. I would like you to talk louder so I can hear you.

MR. WRIGHT: I would like to object to the so-called machinations of the witness' mind. I think he should state when he got out of the Party, but what his personal view was about it, I don't think that is material.

THE COURT: I will adopt that suggestion.

I think, Mr. Witness, you had better not discuss or elaborate upon your personal thoughts in the matter but just the facts that are involved which caused you to leave the Party without going into an argumentative biographical discussion of it.

THE WITNESS: In 1933 I had my first differences with the Party, but those I kept to myself, until as a result of a long accumulation of matters in 1940 194 -- or in 1941, I was directed by the Communist Party in my capacity as County Organizer to take certain steps in connection with the section dealing with top scientific research going on at the University of California Radiation Laboratory in connection with our national defense.

0/b3

I did not like that kind of job, espionage against my Government, so I asked to be released.

MR. WRIGHT: Your Honor, this is the very thing I am objecting to. I am objecting to the continuing argumentative statements of the witness.

MR. FLYNN: I don't think there is anything argumentative about it. He is stating facts.

THE COURT: Well, I think that is a fact rather than a mental process in which he declined an assignment made in 1947 for certain reasons it was the kind of work he was not willing to do.

You may go on from there and tell us anything further you did.

THE WITNESS: The Party declined -- the Bureau in which I was a member declined to accept this resignation, but in December a decision was made ordering me.

Q (By Mr. Flynn) What year?

A 1941.

Q 1941?

A December, 1941, a decision was made ordering me to take my family and go to Los Angeles, the reason not disclosed, and the assignment there, -- I was to be succeeded by Steve Nelson, the County Organizer in Alameda County.

My wife was working in a defense job and she refused to give up the defense job, and as a result she was sent for

0/b4

by the District Organizer, Schneiderman, William Schneiderman.

MR. BUCHMAN: I object to that Your Honor.

THE COURT: He is giving the reasons for it.

MR. BUCHMAN: But it is hearsay.

THE COURT: I don't think it is a mental process.

MR. BUCHMAN: My objection is different. The objection is hearsay, no foundation, it is a conclusion of the witness, and an opinion of the witness.

2

MR. FLYNN: What is hearsay about it?

MR. BUCHMAN: He said he was sent somewhere and a decision was made to send him away. Where was the decision made? Who was present? Who attended the meeting? Where was it? When was it?

THE COURT: Well, he stated, I think so far -- I don't think you could regard that as a mental process. It is a fact apparently within his knowledge, and as I understand it he did not or was not willing to accept another assignment which had been made to him; isn't that right?

THE WITNESS: Yes.

THE COURT: All right. What happened after that?

THE WITNESS: The decision was made in the District Bureau composed of William Schneiderman, Steve Nelson, myself, O'Connor, Cleta Yates, Rudy Lambert, Walter Lambert, Louise Todd, that I was to go to Los Angeles.

My wife refused --

0/b5

MR. BUCHMAN: Objection to that Your Honor, and also no foundation is laid and when was this decision made, and where it was.

THE COURT: Mr. Flynn asked him why he discontinued being a Communist and what his reason was. There was no objection to that question, then the witness told part of it, but if there is an objection to his telling it all why he left the Communist Party, perhaps we can just interrupt the whole thing in that way.

If there had been an objection to that question, I would have been glad to hear some discussion for the grounds of the objection, but there was no such objection. Of course the witness began, and now he has not had an opportunity to finish.

MR. BUCHMAN: Well there should be a question of time so that we get a more responsive answer without going into a long process.

THE COURT: I think he may answer.

10:10
Cvy

Cavey fs
Owens 10;10

THE COURT: If you object to the witness continuing at all to tell why he left the Communist Party, if that is your objection, I will sustain it.

MR. BUCHMAN: If he relates the place and time and where it occurred, but if it involves the assignment of all his reasons, I think it improper.

THE COURT: Tell when, where and how you ceased to be a Communist.

THE WITNESS: The time of the meeting was December, 1941. The place was on Haight Street, the district headquarters in San Francisco, when my wife had refused to go and had a clash with the district organizer, I was brought up on charges of political responsibility for my wife's refusal to obey party discipline and her counter-revolutionary language in talking to the district organizer, I was removed from my position as county organizer.

MR. BRAVERMAN: I object. I think the witness is getting in a lot of hearsay and I think that is the basis for the objection.

THE COURT: I do not think it is hearsay, Mr. Braverman. He is now stating the circumstances which which he ceased to be a Communist. If you object, of course - Mr. Buchman states an objection in one way and Mr. Bassett rises and states an objection after the

C 2

witness starts to answer and now, Mr. Braverman, you object on apparently a different ground and it makes it very difficult for the Court to deal with questions of evidence.

I think it would be much wiser if you gentlemen would agree on some one lawyer interposing such objections as you wish to have the Court consider. It makes it very difficult for me to make a ruling.

MR. BRAVERMAN: Your Honor, it is our intention as far as possible to avoid repetitious objections and not have counsel repeat objections, but when you are sitting at the counsel table, different questions come to different counsel and the feeling is we would like the benefit - and I am sure the Court would like the benefit of different ideas at different times.

THE COURT: I will be glad to hear yours. Go ahead.

MR. BRAVERMAN: My feeling is when he gets into a discussion of what was happening with his wife, he is getting into hearsay testimony and I think he should confine his answers to simple questions. If this man decided he didn't want to belong, that was the end of it, but when he gets into a discussion of what his wife did or said or had any discussions with someone else purportedly in the Communist Party, I think he is getting into the

C 3

realm of hearsay.

THE COURT: Of course, hearsay means a witness stating some fact which he knows nothing about and which was related to him by somebody out of court and not subject to cross-examination. The subject matter of the present question to this witness is when and where and under what circumstances did you leave the Communist Party and his answer, last answer immediately, is, charges were made against me because my wife, subject to the discipline of the Party, would not do something she was ordered to do and the charges were then brought against me. Now, from there on, it seems to me the response of the witness is not objectionable as a matter of evidence if there is any admissibility at all in the question of why, when and where he ceased to be a Communist.

So that what happens, if I can help everybody out by questions, what happened after the matters you have related with regard to the charges against you on the grounds stated? What happened? Were you tried on the charges or what happened to the charges and what relation did that have, if any, to the fact that you ceased to be a Communist? See if you can make your reply just as objective as possible.

THE WITNESS: Thank you, Your Honor. The decision on the charges at the trial at which I was present and

C 4

participated as a voting member of the Bureau myself was that I was to be released as county organizer and succeeded by Steve Nelson, and I was to have no positions higher than a section functionary; certain decisions made regarding my wife and after this, shortly after this, I ceased attending meetings and paying dues and, by my own interpretation, ceased being a member of the Communist Party but not from the Party's interpretation, because the Communist Party did send me a membership book.

MR. BRAVERMAN: I think he testified that according to his own feeling, he thought he was no longer a member of the Communist Party and that is responsive -

THE COURT: I gather that it is the consensus of all of you that you object to any further evidence from this witness as to when and why he ceased to be a Communist, is that right?

MR. BRAVERMAN: That is correct, sir.

THE COURT: Very well. Then I sustain the objection, unless Mr. Flynn has something to say to me further.

MR. FLYNN: There is one question. Mr. Crouch testified he was receiving communications and cards from the Communist Party down to 1947 and I think the jury is entitled to know, even after he was out of the Party, that they were still corresponding with him and giving him a

C 5

card as a member of the Party when he was no longer a member of the Party.

THE COURT: I will stand by the ruling which I have just made and the witness will make no further reference to why he ceased to be a Communist. I do not think, gentlemen, that whether he ceased to be a Communist has any real material bearing on this case.

The witness has given certain information or given certain testimony with regard to his knowledge of the Communist Party. Now, on cross-examination, the creditability of such answers as to why and when and so forth he left the Party can be elicited, but on direct examination I do not think it has such a close bearing on the case in any aspect as to make it admissible, and if it is objected to, as it apparently is, I will sustain the objection. What is the next question?

MR. FLYNN: May it please the Court, late yesterday afternoon we offered this book, "The Struggle Against the Imperialist War and Tasks of the Communist".

It was turned over to the defense counsel for examination and they have examined it, so at this time I want to ask the witness if he can identify this book.

THE WITNESS: Yes.

(By Mr. Flynn): Will you tell us the date of the publication? The gentlemen want to know. What date

C 6

is on there? I will see if I can find the date. 1928, August, 1928. It was published by the World Library Publishers. The first edition was in December, 1932. The second edition was in July, 1934. It was published by the World Library Publishers.

It has it in apparently 68 pages.

(By Mr. Flynn): Now, Mr. Crouch, I want you to merely identify the pages, please, pages 9 and 10.

MR. BRAVERMAN: Do you have the original of that?

MR. FLYNN: We have the original here and the Court gave us the right to substitute a photostat and that was turned over to you last night for examination.

If Your Honor please, I thought possibly it might be a little saving to the witness and save some time if, instead of having Mr. Crouch read the photostats, let him identify the pages and have Mr. Green read them to the jury.

THE COURT: Very well. I suppose there is no objection to that.

Walker fs
Cavey 10:20

W/bl
fl Cvy
10:20

Q What do you know about that publication?

A This is a publication drafted at a commission on which I served in Moscow and which was subsequently passed -- made a formal document by the Sixth World Congress, published by the Communist Party in the United States, distributed and used by the Communist Party of the United States throughout the period of my membership, at least until June 22, 1941.

MR. BUCHMAN: Pardon me just a minute. If the Court please, I would like to renew our objection and perhaps ask for a running objection to documentary material prior to the date of the enactment of the Smith Act.

THE COURT: I will repeat what I said yesterday about that. Evidence as to documents in force prior to the beginning of this conspiracy under the indictment alleged will not be admissible unless and until the Government offers evidence, which Mr. Flynn outlined he intended to offer, to the effect that up to 1943 there was a certain program and policy and objectives of the Communist Party in America, which in 1943 was changed to a different policy, at least with regards ^{to} the United States, and then in 1945 was again changed back to that which had been the policy prior to 1943.

Now, except for Mr. Flynn's statement that he intended to prove that in the case, I would not have admitted documentary evidence with regard to publications long prior to the period mentioned in this indictment which, I think, is in the late

W/b2

40's, but with that statement of counsel that they intend to prove that, this witness apparently being the first witness called, I have admitted the evidence subject to exception. By that is meant, of course, -- the jury may not understand unless I explain -- that if the evidence referred to, as to 1943 and 1945, is not introduced, you can move to eliminate and strike out all the evidence of these prior publications.

MR. BUCHMAN: Could I have my objection a continuing one so that it will not be necessary for me to get ^{up} and renew it on that ground, sir?

THE COURT: Ordinarily, yes, that might be a good thing, but the difficulty that I find about that, Mr. Buchman, in quite unrelated cases and as the result of many experiences in such matters, is that if you ask for a running objection there may be in the course of the running some particular question which is inadmissible on other grounds which may creep in without either my noticing it or Mr. Flynn's noticing it or your noticing it, and long after that the point may be made that here the Court admitted testimony which should have been excluded. Now, a running objection is an objection on one ground only.

MR. BUCHMAN: I thought I would state an objection on the basis of the document being published and written prior to, first, the period of the Statute of Limitations; secondly, the beginning of the indictment; and, thirdly, prior to the

W/b3

enactment of the Smith Act, and as to that objection it would not be necessary for me to renew that. If Your Honor wishes me, I will state it.

THE COURT: I have already explained to you why all the objections, or grounds of objections which you have mentioned would, in my opinion, be good were it not for the offer of proof that has been heretofore made, and unless that proof is introduced into the case all this evidence will go out on your motion.

MR. BASSETT: If Your Honor please, I would like to object to the substitution of Mr. Green as a reader for Mr. Crouch. The grounds that it would expedite the trial or read it more rapidly, I think, are not good because Mr. Crouch is a very rapid reader. I think, since he is being qualified as an expert, it is most important for the jury to hear the manner, style of delivery, and the way he would read the matter on which he is being qualified ^{as} an expert. I know Mr. Green is an expert, but I don't know whether Mr. Crouch is.

MR. FLYNN: Your Honor, my only reason is to try to expedite the trial. They have had an opportunity to observe Mr. Crouch yesterday and see how he reads, how fast he reads and how slow he reads. I certainly can't see why there would be any objection to Mr. Green reading the passages to the jury. However, if they don't want it done we will go through it.

THE COURT: Proceed, then. If the witness' voice

W/bl4

gets tired I will allow somebody else to substitute for him.

MR. BUCHMAN: That is agreeable to us.

Q (By Mr. Flynn) Now, Mr. Crouch, will you please look at page 9, and, starting at the bottom of the page and page 10, will you read that, please? Read it slowly, keep your voice up and save your voice as much as you can.

THE COURT: Is the light sufficient for you, sir?
Is the light sufficient?

THE WITNESS: Oh, yes, it is sufficient.

"War is inseparable from capitalism. From this it follows that the 'abolition' of war is possible only through the abolition of capitalism, i.e., through the overthrow of the bourgeois class of exploiters, through the proletarian dictatorship, the building of Socialism, and the elimination of classes. All other theories and proposals, however, 'realistic' they may claim to be, are nothing but a deception calculated to perpetuate exploitation and war.

"For this reason, Leninism combats all pacifist theories concerning the abolition of war and points out to the masses of the workers and to all the exploited people the only way leading to this goal: the overthrow of capitalism.

"8. But the overthrow of capitalism is impossible without force, without armed uprising and proletarian

W/b5

3-2

wars against the bourgeoisie. In the present epoch of imperialist wars and world revolution, as Lenin has stated, proletarian civil wars against the bourgeoisie, wars of the proletarian dictatorship against bourgeois states and against world capitalism, and national revolutionary wars of the oppressed peoples against imperialism, are inevitable and revolutionary. Therefore, the revolutionary proletariat, precisely because it is fighting for Socialism and for the abolition of war, cannot be against every war.

"Every war is but a continuation of the politics of certain classes 'by other means'. The proletariat, therefore, must carefully study the historical and political class meaning of each given war and give special study to the role of the ruling classes in all the countries participating in the war from the viewpoint of the international proletarian revolution."

Q All right, Mr. Crouch, now will you go --

THE COURT: Now, may I ask for that book? I am not sure I got it.

THE WITNESS: "The Struggle Against Imperialist War and the Tasks of the Communists."

THE COURT: Who published it?

THE WITNESS: It was published by the Communist Party in the United States after adoption by the Communist International in Moscow.

W/b6

THE COURT: Very well.

Q (By Mr. Flynn) Now, sir, will you please turn to page 21?

A What part of the page?

Q Isn't it marked there?

A "A 'democratic' or 'just' peace" -- the words "democratic" and "just" in quotation marks --

"A 'democratic' or 'just' peace cannot result from an imperialist war without the overthrow of the bourgeoisie and the seizure of power by the proletariat in the most important belligerent States. Therefore, 'peace'" -- the word "peace" in quotation marks -- "cannot be the central slogan during imperialist war; the central slogan must be 'proletarian revolution.' It is the bounden duty of Communists strongly to combat all peace phrasemongering; for" --

THE COURT: For what? I did not hear that.

THE WITNESS: "It is the bounden duty of Communists strongly to combat all peace phrasemongering; for at a certain moment in the war, this can be utilized by the bourgeoisie as an extremely important ideological weapon to prevent the imperialist war from being transformed into civil war.

"Communists must not confine themselves merely to conducting propaganda in favor of this program; they must

W/b7

rouse the masses the masses of the workers to fight for it, by applying the tactics of the United proletarian front from below.

"Transform the imperialist war into civil war' means primarily, revolutionary mass action. The Communists resolutely repudiate all so-called 'means' of combating war that hamper the development of revolutionary mass action."

How far shall I read?

Q (By Mr. Flynn) I think that will be enough there.

Now, will you go to page 31, right in the first paragraph, please?

A "In the event of an attack upon the Soviet Union the Communists in oppressed nations, as well as those in imperialist countries, must exert all their efforts to rouse rebellion or wars of national liberation among the national minorities in Europe and in the colonial and semi-colonial countries against the imperialist enemies of the Soviet State.

"In view of the fact that the 'enemy' in such a war is the Soviet Union, i.e., the fatherland of the international proletariat, the following changes must be made in tactics as compared with the tactics employed in 'purely' an imperialist war:

"The proletariat in the imperialist countries must

w/b3

not only fight for the defeat of their own governments
in this war, but must actively strive to secure victory for
the Soviet Union.

0
10:30

Ow file Wkr
10:30

" Therefore, the tactics and the choice of means of fighting will not only be dictated by the interests of the class struggle at home in each country, but also by considerations for the outcome of the war at the front, which is a bourgeois class war against the proletarian State.

"The Red Army is not an enemy army, but the army of the international proletariat. In the event of a war against the Soviet Union, the workers in capitalist countries must not allow themselves/scared from supporting the Red Army and from expressing this support by fighting against their own bourgeoisie, by the charges of treason that the bourgeoisie may hurl against them. "

Q (BY MR. FLYNN) All right. Would you go to page 62, please.

A What part of 62?

Q That is the lower part, ^{and} /page 63.

A "Sometimes the Communist Parties try to evade the concrete problems of war politics by employing general phrases and repeating abstract propaganda slogans, instead of taking up practical tasks.

"This applies particularly to army questions. In this a tendency is observed to evade the question of fighting for concrete partial demands and reforms which would actually weaken militarism (such as, reduction of period of military service, the question

of the composition of voluntary armies, etc.). The fight for reforms is left entirely to the Social-Democrats, against whom no genuine proletarian political program on the army question -- a program for weakening militarism and of practical proposals for the arming of the workers -- is put forward.

"Only a few sections have taken the necessary organizational measures for conducting systematic anti-militarist work. The work among soldiers and seamen in countries which are very important from the point of view of war danger is very unsatisfactory. The mass character of this work, its use as a means for carrying on agitation and propaganda among the soldiers, are not understood. In some countries, anti-militarist activity among the youth is conducted on too restricted a basis, while no attempt is made to establish an adequate organizational base among the masses of the soldiers. The fact that work among sailors is not carried on with sufficient energy in imperialist countries shows that the roll of the navy in a future war is underestimated. In no country has systematic use been made of family influence upon the men serving in the army or the navy, and upon

3

recruits.

"Almost in all countries is observed a failure to properly appreciate the enormous importance of carrying on work among the peasants, among national minorities and in the colonies. The closest attention must be devoted to all these spheres of work.

"Anti-militarist work in the rural districts must not be conducted solely by means of a few casual campaigns, parades, demonstrations, etc. Planned and systematic work must be carried on and linked up with the immediate demands of the toiling peasantry. A special task is to work among the peasant youth. It is imperatively necessary to devote special attention to the establishment of connections between the villages and the peasant soldiers in the army, by means of correspondents, soldiers on furlough, etc. Experience in such work will be of enormous value in the event of war.

"In our work among national minorities, we must more determinedly than hitherto, champion the demands of the oppressed nations, fight against the tyrannical actions of the imperialist government against them, and guide the work of the national revolutionary organizations.

4

"The Communist Parties must maintain permanent contact with the communist organizations and trade unions in the respective colonial countries. They must render every support, by means of mass action, to the revolutionary movements in the colonies.

"The Communist Parties of all countries must devote special attention to the setting up of non-party organizations like the League for the Struggle Against Imperialism and to the question of establishing a united front between the proletariat in capitalist countries and the national liberation movements in subject countries for the struggle against war."

MR. FLYNN: That is all right.

May It please the Court, I would like to offer this in evidence. This is "The Struggle Against Imperialist War and The Tasks of the Communists."

MR. BUCHMAN: Your Honor, I would like to state for the record my objection, as to all these documents.

THE COURT: That will be admitted subject to the possibility that it may have to be stricken out on motion if not followed up in the way previously outlined.

MR. WRIGHT: May I inquire of the Court as to whether the entire document or some parts of it are admitted?

5

THE COURT: I understand the entire document is offered in evidence. However, what is actually brought to the attention of the jury as supposedly significant by the prosecution is just what was read.

(Book "The Struggle Against Imperialist War and The Tasks of the Communists" was marked Government's Exhibit 3.)

Q (BY MR. FLYNN) Now, Mr. Crouch, while you were in Moscow did you have any connection with what we might call the World Congress or Red International of trade unions?

A Yes, I was a delegate from the American Communist Party to that World Congress.

THE COURT: Where was it held?

THE WITNESS: It was held in Moscow at the hall of the Soviet Trade Unions.

MR. BUCHMAN: I object to that on the ground of irrelevance and immateriality.

THE COURT: Well, that particular question and answer is of itself not material, but it may or may not have some introduction to some other matter which may be material.

MR. BUCHMAN: Your Honor, I don't see the relevancy to the issue in this case, and I object to it on that ground.

THE COURT: Go ahead, Mr. Flynn.

Q (BY MR. FLYNN) Now, would you tell the Court and jury what was the function of that organization? What kind of organization was it, and what was it supposed to do?

6

MR. BUCHMAN: I object to that, Your Honor. That is a conclusion.

THE COURT: Well, I will sustain the objection to that. I think we must keep our attention on the main issue that we have here or one of the issues at a time. I think what was read in the case subject to the possibility of it being eliminated is clear bearing on one of the possible issues in the case, but I do not think that we want to amplify it further to the extent of going collaterally into other matters or other meetings which may have happened in Moscow twenty years ago.

MR. FLYNN: Sir, the purpose of the line of questions which I will ask in a few minutes or hope to ask in a few minutes, these questions refer to what was done in Moscow while this witness was there, what he was taught, and what he came back to the United States with, carried back from the Comintern or the ^{Communist} International, and carried on in the United States at the direction of the International Body in Moscow. There are two or three things which I desire to question him as to having gotten his instructions, his education, and so on, and then coming back to the United States.

MR. BUCHMAN: I object to the testimony by the United States Attorney, and secondly I object to the line of questions because it is hearsay as well.

7

THE COURT: I don't think that the question or the group of questions as outlined is testimony by the United States Attorney any more than what is said by counsel on either side or said by the Court in response to an objection by counsel is testimony.

I have told the jury they must be guided in this case in finding any facts one way or the other only by the evidence that they hear from the witness stand. Now, I don't regard the group of questions as outlined as hearsay, what the witness as a member of the Party was taught in Moscow as to the tenets and objectives of the Party is not hearsay any more than when you were a law school student at -- was it Baltimore University?

MR. BUCHMAN: Yes.

THE COURT: In Baltimore, you were taught doubtless the ten incorporeal hereditaments, which is a topic of real estate law.

MR. BUCHMAN: I would not want to be bound by it today.

THE COURT: I am not asking that you would be, but I would not regard that as hearsay.

MR. BUCHMAN: Your Honor, here we have a specific charge, a charge of a specific conspiracy with specific intent and here we have questions in which the witness is testifying as to what he was told by somebody some six or

8

eight thousand miles away, and we have no chance to refute or produce witnesses to refute it, and it has no relevancy to the conspiracy charge alleged in the indictment.

For those reasons, Your Honor, I object, and that is why I am objecting to all his testimony.

THE COURT: Your objection would be good, Mr. Buchman, were it not for the fact that the offer has been made to show that the objectives and tenets, program, and purposes of the American Communist Party in America in this period about 1930 are the same as those of the present day or during the period covered in this indictment.

Now, this witness has said that he has held as much as one hundred different positions of prominence in the American Communist Party, and he is being asked as a witness what were those objectives so far as he knows them, and the questions indicated by Mr. Flynn now are in connection with the doctrines, the doctrines which he brought back, and I don't know, of course, what the answer will be, but apparently what he carried on in America as the objectives of the Party.

Now, I think those questions are admissible and are not hearsay.

MR. BUCHMAN: I want to state for the record, with all deference to Your Honor, but I still object.

THE COURT: I have the responsibility of ruling,

9

Mr. Buchman, not of convincing me. All right.

Q (BY MR. FLYNN) Would you tell the Court and jury what if anything, while you were in Moscow did you have in connection with the World Congress of the Red International or trade unions?

A I served on the Commission in connection with the setting up of the Communist Party to the Philippines, and I served on the Commission for maritime/work where plans were made for organizing the maritime industry of the world and linking it with the Communist International's objectives of the armed overthrow of the American and all capitalist governments.

MR. BUCHMAN: If Your Honor please, I move to strike out the answer on the ground that it is a conclusion and an opinion of the witness, and there is no information as to whether they were verbal or written plans, and when they were made, or who was present, and so on.

THE COURT: You can inquire about it in cross-examination.

Go ahead, Mr. Flynn.

MR. BUCHMAN: Did you rule upon the objection?

THE COURT: I overrule the objection.

Q (BY MR. FLYNN) When did you return to the United States from Moscow?

A May 1928.

10

Q When you returned to the United States, did you make any report to anyone in the United States as to what you had learned in Moscow? Generally, what did you do with the information you received over there or the education you received over there?

A I first made reports to the National officials of the Communist Party, specifically to William Z. Foster, Benjamin Gitlow, who incidentally had been with me part of the time in Moscow, Jay Lovestone, and Jack Stachel, and I reported to the Buro of the Young Communist League.

Q What do you mean by the Young Communist League? By the way, how do you spell that Buro?

A B-u-r-o was the general way we spelled it out.

Q What was the Buro?

A It was sort of executive body of the National Executive Committee of the Young Communist League of the United States.

Q Go ahead.

A I reported to --

Q Just a minute. Were any of the defendants here members of that board?

A Phil Frankfeld was a member of the District Buro.

Q Go ahead.

A I reported to Mr. Frankfeld and the other members of the District Buro regarding my meetings over there.

11

MR. BUCHMAN: Just a minute. I would like to make an objection to that, no foundation for it, and it is a conclusion of the witness, and an opinion, and there is no foundation laid.

THE COURT: I am not sure I understand what you mean by that, Mr. Buchman.

MR. BUCHMAN: This man said he reported. I would like to know where he reported, when he reported, who was present when he reported so we would have the opportunity for cross-examination.

MR. FLYNN: He said he came back to the United States in May 1928 and he reported to officials of the Party. I don't know what else you want.

THE COURT: Did you report in writing or verbal?

THE WITNESS: I reported verbally, but only the motion -- I reported verbally to the officials of the Party and I reported verbally at the Bureau meetings, and only the motions that were made following my report were taken down in writing and those motions are available here including evidence that Mr. Frankfeld was present when those motions were made.

MR. BUCHMAN: I move to strike out the last part of the answer that they were in writing.

THE COURT: He said they are available here. I am not sure what he means by that whether somebody in the

12

Court room has them or not.

Do you have them at the Government table?

MR. FLYNN: We have copies of those, yes. We have them in this form, that I want to point out, Your Honor, that we can only use them for the purpose of having the witness refresh his recollection. These reports that we have reference to were turned over to a Congressional Committee, and we have a report of that committee certified to by the Secretary of Congress.

The originals we have not been able to get because of some reason that they are in Congress and cannot be located at the moment.

We have them under the seal of Mr. Ray R. Roberts, Clerk of the House of Representatives, the proceedings of the hearings before the House Un-American Activities Committee of the House of Representatives, 71st Congress, Second Session, and these proceedings are here, these papers, and Mr. Crouch can refer to them to refresh his recollection, or we may introduce them in evidence, or as I say, he can look at them to refresh his recollection.

THE COURT: Well, as to refreshing his recollection the witness, if he can recall the facts without refreshing his recollection he must recall them from his memory. If his memory is not sufficient of itself he can refresh it by looking at some of the papers to refresh his recollection.

13

That is the rule on that point.

Now, the witness however states that he made his report verbally, and of course there is no objection on the ground of best evidence or lack of best evidence as to a verbal report, and if the report is of itself material he does not need to introduce written evidence about something which he verbally reported.

MR. FLYNN: Yes.

THE COURT: Now, he has also referred to the fact that he made a report and certain resolutions were adopted, and he says that copies of them are available here.

Now, are you offering those copies?

MR. FLYNN: Yes, I would like to offer them in evidence.

THE COURT: Show them to the other side.

MR. BUCHMAN: I have seen them, Your Honor, and I want to object to them because of the manner in which they were obtained. They are not properly authenticated and no foundation has been laid for the introduction of this document.

Cavey file
10:50

Cavey fs
Kakka
Owens 10;55a

THE COURT: Look at that document and see if you object to that. You don't want to look at it?

MR. BUCHMAN: We had a copy last night that was shown to us.

THE COURT: You have seen a copy?

MR. BUCHMAN: Yes.

THE COURT: Show that to me.

MR. FLYNN: Yes, sir.

THE COURT: There are probably a dozen pages here of fine print. Are these the resolutions?

MR. FLYNN: No, sir, not all of them. That is the entire report of these papers but are being referred to in the resolutions are from the report and I would be glad to point them out to Your Honor and show you just exactly what they are, so you would be able to see it without going through the entire thing.

THE COURT: If the originals now said to be in the possession of a Congressional Committee, if they are admissible in evidence, then I think certified copies of such official documents are admissible so far as the copies are concerned. With regard to whether the originals, if here, would be admissible, that may be another matter.

Do you object to the originals, if they were here?

C 2

MR. BUCHMAN: That's right, sir.

THE COURT: Why do you want to offer these originals, Mr. Flynn?

MR. FLYNN: May it please the Court, to show what Mr. Crouch did in carrying out his instructions from the Soviet Union, that he had been there conferring with the officers of the Communist Party and the Young Communist League and when he came back, he was a delegate, he was the man they were looking to to find out what happened and he reported and certain actions were taken by the Communist Party of the United States and the Young Communist League and it is those actions that they took and that is what that represents, and which also was approved by one of the defendants in this case.

MR. BUCHMAN: Is there any way for these discussions to be held out of the presence of the jury?

THE COURT: That is not practical without sending the jury out.

MR. BUCHMAN: I would not want to inconvenience the jury but it amounts to making a proffer of proof before the jury and seems to me to be prejudicial.

THE COURT: No, I do not think that is a correct view, Mr. Buchman, the way Mr. Flynn has stated it. He has not offered this in evidence. He is stating the basis for the offer but he has not stated the details or

C 3

wording of any such matter.

Now, that, I think, is of no consequence in the case and, besides, I have at least three times told the jury or told you all that the jury is to base their conclusions in this case on what they hear from the witness stand or from documents that are read to them and not from the discussions of counsel between themselves or with the court or what the court says in ruling on objections.

I could perhaps help both sides if there were not so many stated grounds for objections to rulings. When you state a ground for a ruling, it is often necessary for me to state the basis of the ruling that I make. When you state the grounds to an objection and when I make a ruling, I have to sometimes state the reason for it.

I think we could get along a good deal faster in this case and without sacrificing anybody's rights by simply indicating your objection and letting me rule upon it.

With regard to the present matter, I am disposed to rule and I do rule at the moment that the resolutions themselves, if the originals were here, are not admissible because I do not think that individual actions taken back in the 28's or 1930 or around there by the Communist Party is of any real significance in the case.

G 4

What the witness has been testifying to and has been permitted to testify to is the program objectives of the Party back there, which you say are the continued objectives as of the present time during the last few years.

Now, the individual actions taken, I think, are merely incidental and, therefore, I do not think we should take the time to go into individual actions.

For example - and I am not, of course, testifying in any way - but to give an illustration of what I have in mind - suppose a particular labor union was infiltrated, as the witness has referred to, back in 1930 by actions of the Communist Party. That, I think, would not be admissible here merely because it is a particular detail or incident which we can not go into.

If we went into every action taken back many years ago by the government or by the defendants in this case, we would be here for months and months trying it.

It was my purpose, insofar as I can properly do so, to limit the evidence in this case to the things that are material to the real issues of fact in the case and to avoid as much as possible going into details which are not necessary and which are collateral to the real question of fact which we have.

C 5

Therefore, I sustain the objection to the originals here, if they were offered.

Q (By Mr. Flynn): Now, this buro that you refer to, how did that operate, where did they meet and how often did they meet and what were their duties and functions?

A The Buro met at 43 East 125th Street, New York City, on the second floor, throughout the period of time that Mr. Frankfeld and I were both members of this Buro; that is, until he left the Buro on October 24th, 1929. The meetings were held usually weekly, one evening or one night each week being devoted to this Buro meeting.

Sometimes we had meetings more frequently by special call of the secretariat, sometimes two or three times a week if the situation called for it, but usually once a week.

Q What work did you do with that Buro?

A Until May of 1929, I was a member of the Buro and the head of the department of this Buro that worked on the armed forces and also the other commissions of the Buro. After May, 1929, until and after the time that Mr. Frankfeld left in October, 1929, I was a member of the secretariat, the third highest thing in the Young Communist League, and I continued my duties in connection with the armed forces and was also editor of the Young Worker and also educational director of the Young Communist League.

Q In that position, did you work with Philip

C 4
Frankfeld?

A Very closely, daily or almost daily.

Q What work did you do in connection with the armed forces, anything specifically that you did about the armed forces?

A We worked out the plans as to how many soldiers, how many Communists we were to send to join the U. S. Army, where we were to send them, how many they were to select, who were to be selected to join the National Guard, the Reserve Officers Training Corps, the Citizens Military Training Camps -

MR. BUCHMAN: I move to strike the answer.

THE COURT: Overruled. The objection comes too late among other things.

THE WITNESS: And we worked out -

THE COURT: Nevermind further details about it. You have answered the question. What next, Mr. Flynn?

Q (By Mr. Flynn): Mr. Crouch, I show you this paper and ask you what it is, please.

A These are the minutes of the National Bureau Meeting of the Young Communist League held on October 24th, 1929.

Q Will you read to us who was present at that meeting?

MR. BUCHMAN: Just a minute. Your Honor, is he

C 7

reading from a document not in evidence?

MR. FLYNN: I will offer it in evidence then.

It is the minutes of the meeting.

MR. BUCHMAN: I want to object to the admission of the document on the grounds already stated.

THE COURT: Very well, I sustain the objection.

MR. FLYNN: May it please the Court, I think we ought to be entitled to show who attended these meetings and particularly if anybody who is a defendant in this case.

THE COURT: That was back in 1929?

MR. FLYNN: 1938.

THE WITNESS: 1929.

THE COURT: That is too far back as far as particular actions were concerned. Bear in mind that I have permitted the general line of evidence which this witness has given for the purpose of showing what was the objectives of the Communist Party in America back in that period, to be followed up, if available, with evidence of the fact that it is still the same in recent years.

I do not think that specific actions taken back in those years with or without Mr. Frankfeld are material in this case and it is for that reason that I sustain the objection. It is, I think, collateral and immaterial in this case as far as I can see.

C 8

MR. FLYNN: If Your Honor please, I do not want to urge my point too much on Your Honor but the purpose of the government in trying to show this is to show that continuously from that time right on down to date that at least one of these defendants has been actively conducting the work of this -

THE COURT: You may ask that question in just that form and get a short answer to it.

(By Mr. Flynn): Mr. Crouch, I will take that from you. Of your own knowledge, what do you know as to the activities of Philip Frankfeld in the Communist Party of the United States during the whole period that you were there and, if you can go on, later than that, will you tell us?

MR. BUCHMAN: I object to the question as too broad and too general.

THE COURT: I think it is pretty broad. Let me see if I can reframe it so it will not be subject to that objection on your part. Have you or not known the defendant Philip Frankfeld continuously from say 1938 up to the present time?

THE WITNESS: I knew him continuously personally through personal contact until about the spring of 1941 and through reputation to the present time.

MR. BUCHMAN: I object to the last portion.

C 9

THE COURT: He had known him personally up to 1941. Now, the next question which I think is along the same line is this: Have you known him as an active member of the Communist Party in the United States up to 1941? Yes or no.

THE WITNESS: Yes.

THE COURT: You have?

THE WITNESS: Yes.

THE COURT: Now, I think that is sufficient along that line.

MR. FLYNN: May I ask if he knows what offices and positions Mr. Frankfeld held in the Party during that period?

THE COURT: Yes, you may ask that.

Q (By Mr. Flynn): Will you state those, please?

A Mr. Frankfeld was for a time full-time official of the Communist Party throughout this period and most of the time from about 1932 or 1933 approximately on until about 1940 was district organizer of the Communist Party for Boston and attended, as I did, most of the Central Committee meetings. They were most or practically all of the Central Committee meetings held during this period.

Q Can you be a little more specific about the National Conventions which you and Mr. Frankfeld attended together?

G 19

MR. BUCHMAN: I object to that as too general and vague.

THE COURT: That, I think, is a little different question. It rather bears on part of the opening statement made by Mr. Flynn as to what is the structural arrangement with regard to the government of the Communist Party, and for that purpose I will overrule the objection.

I do not understand there has been any fundamental change in what you might call the corporate set-up of the Communist Party in recent years. In other words, it is the same now as it was twenty years ago. If I am wrong about that, somebody can correct me.

THE WITNESS: What is the question?

THE COURT: You may ask the question. It seems the question you want to ask, if properly formulated, would be this: Do you know what is the organizational constitution of the government of the Communist Party in America and how long have you been familiar with it and has there been any change in it in the last twenty years?

MR. BUCHMAN: I must object to that question because, by his own testimony, he left the Communist Party in 1942.

THE COURT: The question is, does he know. He may perfectly well know without still being a member of the Communist Party.

C 11

MR. BUCHMAN: If he says he knows, it is merely a conclusion without stating the facts.

THE COURT: I tried to formulate the question in such a way that it would be reasonably unobjectionable, but if it is, I sustain your objection to the question as formulated by myself and will let Mr. Flynn put such question as he wishes and I will rule upon it if you object. Now, Mr. Flynn, you ask your question.

(By Mr. Flynn): I ask Mr. Crouch if you can be a bit more specific about some of the National Conventions that you attended, National Conventions of the Communist Party of the United States, which you attended with Mr. Frankfeld as a delegate.

A Yes.

MR. BUCHMAN: I object.

THE COURT: Overruled.

THE WITNESS: Which adopted - - for instance, in the June 1936 National Convention, Mr. Frankfeld and I were members of the Presidium, the presiding committee of the Convention which adopted the rules.

MR. BUCHMAN: He answered the question.

THE COURT: I overrule the objection. Go ahead.

THE WITNESS: Which adopted the rules and policies and generally acted as the steering committee and we were also on such steering committees at subsequent conventions of the Communist Party up to the time I left.

W/bl
flws
Cvy
11:10
6-1

Q (By Mr. Flynn) Now, I want to show you the photo-static copy of the Daily Worker in New York, Thursday, June 25, 1936, and I particularly show you an article headed "Honorary Presidium and Presiding Committee elected at convention."

MR. BUCHMAN: Your Honor, I object to reading into evidence something from an article that is not yet submitted into evidence.

MR. FLYNN: Well, I will offer it in evidence, then.

MR. BUCHMAN: Then, I want to object to the reproduction, of course.

THE COURT: Well, I am disposed to sustain the objection to it by reason of the fact that it is a newspaper publication occurring 15 or 16 years ago, and I do not see that it is material to this case. It would be the introduction of just a specific matter which would seem to me unnecessarily to extend the scope of evidence the jury has to consider.

I sustain the objection.

MR. FLYNN: Of course, Your Honor, we are only offering it as corroboration testimony of the witness showing that their publications carry out exactly what he has testified to.

THE COURT: Well, I do not think it is admissible for that purpose.

Q (By Mr. Flynn) How many conventions did you refer to that Mr. Frankfeld and you attended together?

W/b2

A I stated that I had attended the 1929, 1934, '36, '38, and two in '40, and that he was present at most of these or practically all. There might have been one convention he was absent, but he was present at the overwhelming majority of these conventions.

Q At those conventions were you in contact with the national leaders of the Party in the United States?

A We were.

Q Mr. Crouch, can you tell us, please, just what is the set-up, the organization of the Communist Party in the United States? What is the top body, and come right straight through, if you can?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: On what grounds?

MR. BUCHMAN: On the same grounds, the witness is not a member and has not been a member since 1942, a member of the Communist Party.

THE COURT: If that is the only ground, I overrule it, because he at least purports to know what it was up to that time, and if there had been any change made in it, that can be the matter of subsequent evidence. Go ahead, Mr. Crouch.

THE WITNESS: The organizational structure has been a small committee, has been a chairman and a general or executive secretary.

MR. BUCHMAN: May I inquire as to what date the

w/b3

witness is referring to now?

THE COURT: What period are you talking about?

THE WITNESS: During the period from 1925 to 1942 -- up until the organization of the Communist Political Association in 1943. The organizational structure was --

MR. BUCHMAN: Your Honor, I object on the ground of immateriality.

THE COURT: I do not think it is immaterial. Of course, it may very well be that subsequent evidence will show that the witness' information with regard to the period up to 1943 is different from what it is now, but so far as he knows, speaking about so far as he purports to go, at the present time, speaking about up to 1943.

Go ahead on that basis.

THE WITNESS: (Continuing) The Communist Party, starting from the bottom, is composed of cells known as the Communist Branch, unit, club, or nuclei, these terms being interchangeable and meaning the same thing. At one time they called them the branch and later they were called the club.

MR. BUCHMAN: Your Honor, I would like to know the times here he is referring to.

THE COURT: Mr. Buchman, I must ask you to reserve such detailed matters for cross examination. The witness is telling you, or has told you, that he is speaking of the period that he is familiar with, apparently from the 20's up

w/b4

until some time in 1943.

MR. BUCHMAN: That is my point, Your Honor: He is covering a span of approximately 15 or 16 years.

THE COURT: Very well. I am sorry. I cannot do any more now.

Go ahead, Mr. Crouch.

THE WITNESS: (Continuing) These were two types, organized on the basis of the territory in which the member lived, or on the basis of his place of employment. The cells or nucleus or club was known as a shop unit, if it was on the basis of where he worked, or a territorial unit on the basis of where he lived. These basic units, which might be anywhere from three to 20 or more members, were made up in composed sections with a section committee, a section organizer. The sections sometimes made up a county organization -- this varied from state to state -- sometimes they were in larger states, four of these sections constituted a county organization; in other states the sections were directly represented on the state or district committee. Then the country was divided into districts. Sometimes it was one state; sometimes it was more than one. At first the number of districts in the country varied from 15 districts back in the period from 1925 to 1928, and up to about 30 districts at the time -- approximately 30 at the time that the Communist Party assumed the name of Communist Political Association. Each

W/b5

district --

Q (By Mr. Flynn) That was in 1944, wasn't it?

A Yes.

Q All right.

A These districts had a district organizer, often referred to as the DO, who was the political leader and directly responsible to the Central Committee or the National Committee or the National Board, as it was later known. They had a district committee, a small body called the district bureau. They elected delegates from the districts to national conventions which, in line with the decisions of the Communist International, made general policy decisions for the United States and elected what was known until the late 30's as the Central Committee, thereafter known as the National Committee and later under the reorganization known as the National Board.

There was a chairman -- they elected also -- at first there was a secretariat of the -- of the Party during most of this period of three members, and later that was done away with. They had a general secretary -- William Z. Foster -- they had a chairman, William Z. Foster; a general secretary, Earl Browder; and then this organizational structure in the Communist Political Association was again changed, and then after the reorganization into the Communist Party they used the term "National Board" instead of "Central Committee" as

6-3

W/b6

they had done previously.

The district organizations today remain essentially the same, about 30 districts at the present time, and the same district lines, and essentially the same district numbers as they did in the late 30's or early 40's.

Q What body is it that forms all the policies of the Party and lays down the rules and regulations?

MR. BUCHMAN: Objection to that question.

THE COURT: Overruled.

A The National convention, subject to the program of the Communist International in its instructions and decisions.

Q (By Mr. Flynn) Now, when you tell us that the national convention is not in session, what body, if there is a body, is it that carries out those instructions?

A The Central Committee, which later was known as the National Committee, and then as the National Board.

Q Well, now, the National Board and the National Committee, are they the same thing, or is the National Board a part of the National Committee?

A The National Board is being used now as synonymous with the old Politburo, Political Bureau.

Q Now, these instructions come down to the local units of the Communist Party in what manner?

MR. BUCHMAN: Objection to that question, Your Honor.

THE COURT: Overruled.

w/b7

MR. BUCHMAN: It assumes a fact not in evidence.

THE COURT: Proceed.

A The general political -- the general political instructions come down, first of all, through the Party press, through the Daily Worker and its official theoretical organ, formerly the Communist and now known as Political Affairs. It comes down through the reports at the conventions and the resolutions of those conventions and the instructions of the Central Committee to which the district organizers are called in and participate, and it comes and is supplemented by directives sent through courriers, offici_als who travel through the country and give specific instructions, and sometimes in the case of confidential mail channels, either in ordinary documents or in code.

MR. BUCHMAN: Your Honor, I move that that all be stricken as a conclusion, opinion, hearsay, no foundation laid for all of his conclusions expressed.

THE COURT: Those objections are overruled. What is the next question?

Q (By Mr. Flynn) Now, Mr. Crouch, in the event that someone on the local level of the Communist Party disagreed with or desired not to carry out any instruction that came to them in the way that you have described from the National Body, what if any redress or what could that person do about it?

W/b8

MR. BUCHMAN: Objection.

THE COURT: I sustain the objection to that question.

6-4

I think we have had evidence yesterday and possibly today to the effect that whatever the program or the orders or the directives of the governing body are, they are binding on the members of the local branches or units or cells or what-not. Now, there was evidence to that effect, I think, yesterday. The present question along the same line is merely repetitive, and if it is not repetitive it seems to me that what you have been asking about this morning particularly is prior to 1942. It would be too early -- at least, from, say, 1947, around there, to the present time. There might have been a change in the organizational set-up for the requirements, and I think this witness should not be asked about that because he apparently ceased to be a Communist around about 1947 or 1948 or something like that.

MR. BUCHMAN: 1942.

THE COURT: So I will sustain the objection to that particular question.

Q (By Mr. Flynn) while you were in the Party was there anything known as the Control Commission?

A Yes, I was chairman of the Control -- District Control Commission in Alabama, responsible to the Central Control Commission.

MR. BUCHMAN: What year was that, may I ask?

a/b9

THE WITNESS: In 1938, '39.

Q (By Mr. Flynn) What was the purpose of that Commission?

A The purpose of that commission was to see that all members carried out the Party orders without reservation and to take disciplinary action against any violation of Party decisions or any conduct that the Party considered contrary to its interests and aims.

MR. BUCHMAN: Your Honor, I move that that answer be stricken.

THE COURT: Overruled.

Q (By Mr. Flynn) Now, just one final question along that line. Will you tell us, please, what you remember were the duties of the District Chairman or the District Organizer, if they were the same person? I think they interchanged that title at times. If there were two different people, will you tell us?

A To make my answer clear, I might say for the most part the District Chairman was more of an honorary title as, for example, Anita Whitney was District Chairman in California, with Schneiderman as District Organizer. District Organizer was the real title in this district.

MR. BUCHMAN: I move to strike that, Your Honor.

THE COURT: Overruled.

Q (By Mr. Flynn) Will you tell us what the duties of

W/bl0

the District Organizer were?

A His duties were, first of all, to attend the district meetings of the Central Committee and to report to it and between meetings of the Central Committee to keep the highest officials of the Party informed of everything going on within his district of importance; to carry back to his district the Party line and decisions and see that they were carried through; to preside over the meetings of the district committee; to help in the formulation of the policies of the committee; to help amplify its decisions of the Central Committee, of the higher Party and bodies, and to help work out details of the Central Committee to be carried down to lower committees.

Q Now, Mr. Crouch, while you were a member of the Communist Party and after you returned to Moscow did you teach any classes in the theory of Communism?

A I taught many schools and many Party classes after my return to Moscow up until the time that I left the Communist Party.

Q Now, will you tell us, please, briefly, just where these classes were, and I want to ask you some questions about your teaching.

A I was the chief instructor of a national Communist youth training school at Waukegan, W-a-u-k-e-g-a-n, Waukegan, Illinois, July and August, 1929 at the Finnish Hall. I was one of the instructors --

W/b11

MR. BUCHMAN: One moment. Your Honor, does my objection as to remoteness apply?

THE COURT: I sustain your objection on that ground as to this question.

MR. FLYNN: May I please the Court, we want to show by this question what was taught in these schools and to follow it up and show that the same things are being taught now, and we want to point out, as we have heretofore, as to what the teachings were and what they were standing for.

THE COURT: You can ask the general question, Mr. Flynn. Indeed, the witness has already answered it. He says he has taught these doctrines back in this period many times and at many places. I think it will be purely collateral and incidental to go into the particular occasions or places of the schools. It would just expand the facts and evidence that the jury has to remember.

MR. FLYNN: I know you gentlemen are certainly familiar with this book, "State and Revolution." I want you to look at that, if you please, Mr. Crouch, and tell us whether or not --

MR. BUCHMAN: Just a minute, Mr. Flynn. Is that the edition you showed to us?

MR. FLYNN: I believe it is. Really I don't know.

MR. BUCHMAN: Well, I want to know.

MR. FLYNN: Is there more than one edition?

W/b12

MR. BUCHMAN: I don't know.

MR. FLYNN: Well, if you don't know that is the edition we showed you, I don't know either whether there is more than one edition.

MR. BASSETT: We would, however, Your Honor, like the usual literary information.

THE COURT: Mr. Bassett, I do not hear what you say.

MR. BASSETT: Your Honor, I ask that we may have, as you have ruled in the past, the usual literary identification as to publishing date and time and place.

THE COURT: Yes. You give it to him, Mr. Flynn.

Q (By Mr. Flynn) Are you familiar with this book?

A Thoroughly familiar with it.

MR. FLYNN: If it please the Court, this book is "State and Revolution", entitled "The Great Classic on the Nature of the state, Capitalist Democracy and Proletarian Revolution," by V. I. Lenin. It is a special edition. It is published by the International Publishers, New York, a revised translation, and is copyrighted in 1932 by the International Publishers, Incorporated, reprinted from "Toward the Seizure of Power" by V. I. Lenin, third printing in 1935, 100,000 copies, printed in the United States.

MR. BUCHMAN: Would you mind giving us the date when it was written, Mr. Flynn, in the preface? August, 1917, if you look inside it.

W/b13

MR. FLYNN: Apparently you are familiar with that, Mr. Buchman. I would not know.

MR. BUCHMAN: I want to object to those remarks, Your Honor.

THE COURT: You want to what?

MR. BUCHMAN: I object to Mr. Flynn's last remark and move it be stricken.

THE COURT: What are you asking me to do?

MR. BUCHMAN: Move that his last remark be stricken from the record.

THE COURT: On what ground?

MR. BUCHMAN: Well, it seemed to me to be derogatory or tends to be.

THE COURT: Derogatory to you?

MR. BUCHMAN: Yes, Your Honor.

THE COURT: I do not quite understand why it should be derogatory to you. Why?

MR. BUCHMAN: He made a reference in referring to political views, Your Honor.

THE COURT: No. He said "you would know and I would not." Now, what is derogatory about that?

MR. BUCHMAN: It seemed to imply that I would know and he wouldn't know.

MR. FLYNN: That is exactly what it implied.

THE COURT: That is exactly what he said.

W/b14

MR. BUCHMAN: That is why I objected to it.

MR. FLYNN: If it please the Court, I would like to offer this book in evidence.

MR. BUCHMAN: Well -

MR. BASSETT: Would you mind stating the rest of it, the number of pages, if you please?

MR. FLYNN: Oh, the number --

THE COURT: Now, gentlemen, counsel have not apparently yet objected to the book.

MR. BUCHMAN: I was about to rise for that purpose.

THE COURT: All right. What is your objection?

MR. BUCHMAN: My same objections to the other books: First, that it is a piece of literature protected by the First Amendment in its circulation.

THE COURT: What is that?

MR. BUCHMAN: It is a document protected by the First Amendment in its circulation.

THE COURT: I thought you said it was in all public libraries.

MR. BUCHMAN: It is. That is true, and that is why I am saying if it is admissible it should be protected by the First Amendment, No. 1. No. 2, it was written in 1917, August, 1917, and therefore, for the same grounds that I mentioned before, written prior to the period of the Statute of Limitations, the date of the indictment, and the date of

W/b15

the enactment of the Statute. On those grounds I object to its admission.

THE COURT: I was about to suggest a possible objection quite different from any of those and that is this, Mr. Flynn: What is the necessity or materiality of putting this book in evidence when you have already in evidence -- I don't know how many -- two or three or four publications of later date which are stated to be and purport to be the program of the American Communist Party? Now, I do not see any necessity for going back to 1916 for the views of Lenin in the case. I have heard some discussion heretofore about Lenin and Marxism and all that, but it does not seem to me that that is material in this case for the Government to prove when you have evidence tending to show -- what credence the jury gives to it I, of course, will not undertake to say. You have evidence tending to show that the present program -- at least, you have evidence tending to show up to 1943 that the program of the American Communist Party is that which has been read by the witness. Of course, I am not commenting upon the effect of it, other than my recollection of it as bearing on the point of evidence tending to show that they advocate wherever necessary the overthrowing of the bourgeoisie, meaning, as I understand it, the general mass of the people, in capitalistic countries by force if necessary.

Now, if you have that already in the case, why go

W/b16

back to that? I do not see the necessity for it. It seems to me it would prolong the case very much to get into a philosophical discussion, to bring out what Lenin meant when he wrote, perhaps in Russian 40 years ago, when it has been translated and all that. We have heard so much from these originals on Leninism and Marxism, and so forth, that I think it would be just a false issue to raise in this case.

MR. FLYNN: Sir, I don't think that it is a false issue for the reason that these are the bases for everything that they teach. It is our contention that it has been ever since the time of Marx and Lenin, and it has come down through the ages, right down from 1917 and 1918, and we will show that they are teaching it today in their schools and they use them as their text.

THE COURT: Will it not be time enough for you to bring up that if, as and when the defendants have some evidence tending to show that the documents or pamphlets which you have already read into evidence are not the program of the American Communist Party today? If, when and as there is evidence tending to show that the literature which has already been read is not the program of the Party, then it seems to me that if necessary it may be permissible for you to go back to the original sources, as you say, and bring that in. But I want as much as possible to have the time of the jury here without being distracted on side issues or unnecessary

W/bl7

6-6

issues. I want the jury to keep its attention focused on what so far up to the present time I have been able to discover are the issues of fact in the case. One of them, of course, is what is the program, or was the program of the American Communist Party revolutionary, meaning thereby it is necessary, or assuming it is necessary or possible or feasible or plausible overthrowing the Government of the United States by force and violence. Now, that is the first issue, as I see it, in the case. I would like to have the jury's minds focused on that as one of the facts without distraction by going into something that Lenin or Marx or somebody thought or taught long before that.

MR. FLYNN: That was our purpose, Your Honor, in offering these books. They taught that very thing, and that is the reason --

THE COURT: I understand that, but whether they taught it or not, what difference does it make in this case to us?

MR. FLYNN: Except that we show it is being taught right now at the present time and has been during all the period of this conspiracy.

THE COURT: I understand the program of the American Communist Party, as it is revealed or purports to be revealed by these documents you have read, is the program that is being taught. Whether it is for the jury to say, what

W/b18

impression they have on the subject, it seems to me is a ruling on the evidence, and it seems to me those documents speak very clearly for themselves. It may very well be that later on in the case it may become proper for you to deal with such matters. For the moment I cannot see the necessity of putting in evidence a book containing statements by Lenin or Marx or any other person when you have already in evidence the presently effective program of the American Communist Party, or at least you will have if you follow it up with the evidence you mentioned.

I think we had better give the jury the morning recess of ten minutes. We will recess for ten minutes.

(Thereupon a short recess was taken, after which the following occurred:)

O flws
11:45

Ows fls Wkr
11:45

1

THE COURT: Mr. Flynn, I will ask you is there anything different or more specific in the publications that you are now proposing to offer than those that we have had read already.

MR. FLYNN: Yes, I would say there is, yes.

MR. MEYERS: I would like to rise to make an objection to the interpretation put upon the word "bourgeoisie", and that interpretation is, I think if I heard correctly was that it was the majority of the people. Now, that interpretation is incorrect in the evidence here so far as to the meaning of the word. The meaning of the word bourgeoisie as used by Marxists and Non-Marxists is that it represents a small group of owners but it does not represent the majority of the people. It is not a word which was coined by Marxists, and on that basis I want to express an objection to what I heard as your interpretation of the word.

THE COURT: Mr. Meyers, I might say that what I have heard so far of your contribution is not in accordance with the evidence as I understand it. Now, you will have an opportunity as a witness to give your own statement about the matter, if you are an expert upon the subject.

MR. MEYERS: It is a word that developed with the rise of capitalism.

THE COURT: Well, if there is any real dispute in this case about the matter perhaps we better have specific

2
passages put in evidence, Mr. Flynn, about it.

MR. MEYERS: I want to rise to note an objection to your interpretation of the word.

THE COURT: Yes, very well.

MR. MEYERS: It does not fit in anywhere in our interpretation of the word or anybody else's interpretation of the word.

THE COURT: I understand that is something that we may have later on.

Now, Mr. Flynn, go ahead.

MR. FLYNN: If your Honor please I would like to shorten this if I can.

Q (BY MR. FLYNN) Mr. Crouch, can you tell us what is Marxism - Leninism that we have heard so much about? What is it?

MR. BUCHMAN: I want to object now, Your Honor.

MR. FLYNN: The other side has used it and we have used it. I think we should have some definition of it.

Q (BY MR. FLYNN) What does it mean?

THE COURT: I think the question is rather general and uncertain. Now, if you have any particular passages that you want to draw the witness' attention to in the book that you referred to to ask him about whether in his understanding or acquaintance with the subject of the American Communist Party is the same or different from what we have had read in

3

the various publications, if you want to do that, you may do that.

Q (BY MR. FLYNN) Mr. Crouch, in your teachings, that you have said you have taught for the Communist Party in various places, did you have any instructions as to what books or pamphlets to use in your teachings or that you used under instructions of the Party?

MR. BUCHMAN: I object to that, Your Honor.

THE COURT: Overruled.

THE WITNESS: Yes, I did. I had such instructions. I was instructed to use the basic, the basic works of the authors of Marxism - Leninism, Stalinism, and that is the reason Marx, Lenin, and Stalin were the basis around which our classes were conducted amplified by others, but that the writings of Lenin and Stalin were the main guides and the main authority.

Q (BY MR. FLYNN) Now, in your teachings did you use a book entitled "The Communist Manifesto" by Karl Marx and Frederick Engels?

A I used this in every school I taught.

MR. BUCHMAN: I want to make the same objection, Your Honor, as to all documentary evidence.

THE COURT: Overruled. The question which is asked here is asked about something different from that as a fact.

MR. FLYNN: Now, if Your Honor please, I do not

want to take a great deal of time to read from these books, but I would like to have them identified. I would like to have these books identified by the witness so that we can use them later.

THE COURT: You may have them marked and identified.

MR. FLYNN: Then I will use them with another witness.

I would like to have this marked for identification.

THE CLERK: Government's Exhibit 4.

(The book entitled "The Communist Manifesto" was marked Government's Exhibit 4 for identification.)

Q (BY MR. FLYNN) I show you this book and ask you whether you used that book in your teachings?

A I used this book in all the schools I conducted in which I was an instructor for the Communist Party for the use of the Party members.

MR. FLYNN: That book is "State and Revolution , the great classic on the nature of the State, Capitalist Democracy, and Proletarian Revolution" by V. I. Lenin, and I ask that it be marked for identification.

THE CLERK: Government's Exhibit 5 for identification.

(Book entitled "State and Revolution" was marked Government's Exhibit 5 for identification.)

Q (BY MR. FLYNN) I show you this book, Mr. Crouch,

5

and ask you if that book was used by you in your teachings in the schools?

A This was used by me in all the schools I conducted after its publication.

Q It was published when?

A In -- I believe it was -- it was published, the earlier date, during early '30's, and it is copyrighted in 1934, but it was published in an earlier edition, prior to its copyright.

MR. FLYNN: I offer it for identification, if Your Honor please. This is "Problems of Leninism" by Joseph Stalin, International Publishers, Little Lenin Library, Volume No. 19.

THE CLERK: Government's Exhibit 6 for identification.

(Book "Problems of Leninism" was marked Government's Exhibit 6 for identification.)

Q (BY MR. FLYNN) I show you this book, Mr. Crouch, and ask you whether you used that book in your teachings at the schools that you conducted?

A I used this edition, the early edition with the same content in my teachings in the Communist Party from the early '30's, I used it at all schools where I was a teacher in the Party.

MR. FLYNN: I offer for identification the pamphlet

96

"Foundations of Leninism" by Joseph Stalin, International Publishers.

(Book "Foundations of Leninism" was marked Government's Exhibit 7.)

Q (BY MR. FLYNN) I show you this book and ask you whether you used that book in your teachings in the Communist schools?

A I used this book, the earlier edition from the time, from 1927 on until I left the Communist Party.

MR. FLYNN: I offer, may it please the Court, for identification "A Letter to the American Workers" by V. I. Lenin, published by International Publishers, Little Lenin Library, Volume 17.

MR. BUCHMAN: Do you know when it was written? Do you know the date?

MR. FLYNN: Volume 17. It is copyrighted in 1934.

Exhibit

THE CLERK: Government's 8 for identification.

(Book "A Letter to the American Workers" was marked Government's Exhibit 8 for identification.)

MR. BUCHMAN: What is the date it was written?

MR. FLYNN: That is the copyright date. I don't know when it was written. That is the copyright date.

MR. BRAVERMAN: May we have the date of these various documents when these various documents were written.

7
as well as the copyright date?

THE COURT: Yes, read it to him if you can, Mr. Witness.

MR. BRAVERMAN: Can we have the date of all these, the copyright dates are given, but can we have the dates when they were written as well as the copyright date?

MR. FLYNN: I will try to get it for you, Mr. Braverman.

Q (BY MR. FLYNN) Can you tell us what date that was written, Mr. Crouch?

A This was written in 1916 at Zurich, Switzerland, in the spring of 1916, to be precise, and was copyrighted in 1939.

Q In 1939?

A Yes.

MR. FLYNN: I offer for identification, if Your Honor please, this booklet "Imperialism, the Highest Stage of Capitalism," by V. I. Lenin, International Publishers, Little Lenin Library, Volume No. 15.

THE CLERK: Government's Exhibit 9 for identification.

(Book entitled "Imperialism, the Highest Stage of Capitalism" was marked Government's Exhibit 9 for identification.)

Q (BY MR. FLYNN) Mr. Crouch, I show you this book and ask you if you used that book in your classes?

8

A I used this from the time of its publication in 1936 until I left the Party.

MR. FLYNN: It says "Strategy and Tactics of the Proletarian Revolution," International Publishers.

MR. BASSETT: Do you know the author?

MR. FLYNN: It does not appear to have an author.

Q (BY MR. FLYNN) Do you know the author, Mr. Crouch?

A It was drawn up by a commission of the Central Committee of the Communist Party.

Q The Central Committee of the Communist Party of the United States?

A Yes, V. J. Jerome was the major author of the book.

MR. FLYNN: I offer that for identification, may it please the Court.

MR. BUCHMAN: Your Honor, in connection with the testimony, if the books are not introduced in evidence I want to object on the ground that --

THE COURT: What is that? I do not hear you.

MR. BUCHMAN: I am not clear as to the propriety of identifying the books now without offering them in evidence, and the comments of the witness getting into the record.

THE COURT: I see no impropriety in that at all.

(Book "Strategy and Tactics of the Proletarian Revolution" was marked Government's Exhibit 10 for identification.)

9

Q (BY MR. FLYNN) Mr. Crouch, I show you this book and ask you if you used that book in your classes and if you can tell us with regard to that book how widely circulated it was in the United States?

A It was copyrighted in 1939, and I first saw a copy of the same contents in connection with its use in Russia about 1938, about 1938 it went in to large scale publication and this book became available to the members of the Communist Party with instructions that all members were to read it.

From that time on it became a major book for the Party, and I taught classes in this book in 1939 and 1940.

MR. FLYNN: I offer this publication, may it please the Court, the "History of the Communist Party of the Soviet Union (Bolsheviks)", and it says "Edited by the Commission of the Central Committee of the Communist Party of the Soviet Union (Bolsheviks) authorized by the Central Committee of the Communist Party of the Soviet Union (Bolsheviks)," published by International Publishers, New York, copyrighted in 1939.

THE CLERK: Government's Exhibit 11 for identification.

(Book "History of the Communist Party of the Soviet Union (Bolsheviks)" was marked Government's Exhibit 11 for identification.)

MR. FLYNN: Just one other.

10

Q (BY MR. FLYNN) Mr. Crouch, I show you this and ask you whether that was used in your classes?

A I used this in my classes from the time of its publication in 1933 until 1941 very extensively.

MR. FLYNN: I ask that it be marked for identification, may it please the Court, "Why Communism", by M. J. Olgin, and it is apparently published by the Workers Library Publishers, 148 Station Box D, 50 East 31st Street, New York City, December 1933, No. 12.

THE COURT: Mr. Bushman, with respect to your objection or question as to the impropriety of having these things identified, my comment on that is this: I see no impropriety, but on the contrary it is very often done as a matter of evidence, but the effect of that is this, unless and until the books themselves are admitted in evidence, the contents of the books are not evidence, but in specific evidence given in this case from this or other witnesses on cross-examination or otherwise, counsel by reason of the identification are permitted to refer to the book and ask such questions of the witness as may be otherwise admissible and pertinent with regard to the matter.

For instance, more specifically, if on cross-examination you desire to ask this witness some questions about his testimony bearing on what he said by virtue of what may be contained in this book, you would be at liberty to do that,

11

and likewise other witnesses from one side or the other may testify and have references to this book read to them, and in connection with their testimony, that may be done on either side.

That is in accordance with what is often done when you have an experienced witness along certain lines, counsel desire to ask him questions with respect to the bearing of a sentence or paragraph in a book, and you can question the witness. More particularly it is customary when dealing with a medical question to ask a witness who is experienced along that line whether his views are consistent with or are different from those of some other opinion of a reputed author upon the subject. That is the reason ordinarily for identifying papers and they are not themselves admitted at once into evidence.

Cavey fls
12:10

(Book "Why Communism" was marked
Government Exhibit No. 12 for
identification.)

Cavey vs
Owens 12:10p

Q (By Mr. Flynn): Mr. Crouch, I show you this book and ask you whether or not you are acquainted with it or did you use it in your teachings. It is a photostat of a book which I believe is now out of print.

A Yes, I am familiar with this, a book published by the Communist Party in 1935 and distributed throughout the party organization as a guide to organization and to action.

Q The author is J. Peters. Who is J. Peters? Is he a member or was he a member at one time?

MR. BRAVERMAN: I object. I think he is merely identifying a book. I don't see that we need any discussion about it.

THE COURT: I see no objection to that, Mr. Braverman.

THE WITNESS: The author -

MR. FLYNN: You may go ahead, Mr. Crouch.

THE WITNESS: The author was not an American. He was a long-time resident of the United States until his deportation.

Q (By Mr. Flynn): That is J. Peters?

A Yes.

MR. FLYNN: This is called "The Communist Party and Manual of Organization" by J. Peters. I would like to offer that for identification.

C 2

x x

(Book entitled "The Communist Party and Manual of Organization", by J. Peters, marked Government Exhibit 13 for Identification.)

Q Were you a delegate to the Special Convention of the Communist Party in November, 1940?

A I was.

Q What was the reason for that Special Convention?

A It was a Special Convention called to protect the legality of the Party after passage of the Voorhis Bill.

Q What was the Voorhis Bill?

A To require parties and organizations to register that were under foreign control.

Q What actions, if any, were taken by the National Convention of the Communist Party in reference to that particular Bill or the conduct of the Party members because of that Bill?

A This Special Convention was called for the purpose of voting formal disaffiliation from the Communist International to protect the membership and the Communist Party as an organization.

MR. BUCHMAN: I object. If there was a formal resolution, then we will stipulate that in 1940 there was a disaffiliation of the Communist Party from the Communist International, but we don't want this opinion as a conclusion.

THE COURT: He was -

C 3

MR. FLYNN: He was a member of the Convention.

THE COURT: I am afraid I do not understand the point and it does not seem to me to be very material one way or another. What you are saying, Mr. Buchman, seems to be more in the nature of evidence than grounds of objection. Go ahead.

Q (By Mr. Flynn): What was the action taken by the Party because of the Vearhis Bill?

A They called this Special Convention, at which Earl Browder met with the district organizers and members of the Central Bureau and Central Committee and gave explanations as to the Party's attitude and the reasons for it and stated what our relationships would be in the future and the resolution then was adopted formally by the Convention.

Q That resolution was to what effect?

A That the United States cease to be affiliated with the Communist International in substance.

Q You say "the United States". You mean the Communist Party.

A The Communist Party of the United States.

Q Actually, what did happen? Did they cease to be affiliated with the Communist International?

MR. BUCHMAN: Objected to as leading.

THE COURT: Overruled.

THE WITNESS: No, they did not.

C 4

Q What did they do? What did they actually do?

A They continued the same as in the past.

Q Do I understand this resolution was only for the purpose of the resolution rather than to be carried out?

MR. BUCHMAN: Objected to.

THE COURT: I am afraid I have to sustain the objection to that, Mr. Flynn.

Q (By Mr. Flynn): Mr. Crouch, during the period in which you were a member of the Communist Party and subsequent to that time, if you know, what was the attitude of the Communist Party toward the Government of the United States?

MR. BUCHMAN: I object to that question.

THE COURT: On what grounds?

MR. BUCHMAN: That calls for a conclusion and opinion and is irrelevant, immaterial, remote and prejudicial.

THE COURT: I do not think it is immaterial what the attitude of the Communist Party was towards the United States of America.

MR. BUCHMAN: His opinion is immaterial.

THE COURT: Maybe so, but from your point of view it may be immaterial, but there is evidence before the jury with regard to this witness' knowledge of the Communist Party which may make it material.

C 5

MR. BUCHMAN: I think the jury is entitled to know the basis for his conclusion.

THE COURT: Certainly.

MR. FLYNN: I will add to my question, basing your opinion on your years of membership in the Communist Party, the offices that you held and the directions which you received from your superiors and the directions that you carried out which you had received.

MR. BUCHMAN: I object as leading and for other reasons.

THE COURT: Overruled. It conforms with just what you made the basis for your former objection.

MR. BUCHMAN: No, it is calling for his conclusion and opinion.

THE COURT: I think it is more than a conclusion when a man such as this witness has stated, he has had experience as a high-level officer of the Communist Party, is asked what was the attitude of the Party towards the United States. Now, it is quite possible when you come to your side of this case, you may have witnesses who you will want to ask answer the same question.

MR. BUCHMAN: We have here a case in which there are six defendants. They are charged with a specific intent. Here is a person not qualified as an expert witness that you don't know and, if he were, it would be immaterial.

D 6

It is a conclusion as to events up to 1942 and I don't see the materiality of what his views may or may not be.

THE COURT: Let me say again, and I have to repeat it time and time again, that even before 1942 he said - even before 1942 the events would be admissible in evidence in order or only on the basis of evidence outlined in opening statements, that the constitution and program and general attitude of the Communist Party of America is the same now as it was prior to 1943.

So far as this witness is concerned, he has stated time and time again his position with and knowledge of and experience with the American Communist Party. I think it is more than an opinion. Go ahead.

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

A Will you repeat the question, please.

THE COURT: Do you know what was the attitude of the Communist Party towards the United States of America? That was the question, wasn't it?

MR. BUCHMAN: I don't know.

THE COURT: Is that the question?

MR. FLYNN: Yes, I asked during his period of membership - I amplified that before - that, as Your Honor put it, was the original question I asked, what was the attitude of the Communist Party towards the Government of the United States?

C 7

THE COURT: You may answer that.

THE WITNESS: Throughout the period of my membership, the attitude of the Communist Party toward the United States Government was that it was an enemy government which must be overthrown by armed insurrection within and with the aid of the Red Army of the Soviet Union with its defeat, its destruction, annihilation, and replacement by a Soviet America.

Q (By Mr. Flynn): What was the attitude of the Communist Party towards the entry of the United States into World War II?

MR. BUCHMAN: Objected to on the same grounds, plus immateriality.

THE COURT: I overrule the objection.

THE WITNESS: That falls into two periods, prior to June 22, 1941 and subsequent to that date, the policies were diametrically opposite before and after.

Q (By Mr. Flynn): What was the original policy?

A The original policy was that the war in Europe was an imperialist war, that we should oppose both sides equally, that socialism was the answer to the war, that we should oppose all military preparations, either home or abroad, no supplies to Great Britain or the countries dedicated to fascism. This position was reversed on the 22nd of June, 1941, and after that date they called for

all-out-aid to all countries fighting.

Q What was the change of attitude then?

A Because of Hitler's invasion of the Soviet Union on that date without warning.

Q Why would that change their attitude?

MR. BUCHMAN: I move to strike out the previous answers.

THE COURT: I overrule the motion to strike out what the witness has previously said. I sustain the objection to the present question as to why a change was made in the attitude of the Party.

I suppose we all take judicial notice of the historical fact that on June 22nd, 1941 the German army did invade and declare war on Russia and Russia then became a co-belligerent at least with England, France and the United States. That is a historical fact that is well known.

MR. BUCHMAN: we would also like to ask the Court to take judicial notice that the political platforms of the Democratic and Republican Parties in 1940 were opposed to intervention in war.

THE COURT: I do not quite myself see the logical connection between those two things, but undoubtedly it is true. I hope that is so, and I think that was so, as you say. Go ahead, Mr. Flynn.

C 9

MR. FLYNN: Did Your Honor rule on my question?
I wasn't sure.

THE COURT: The last question I think I sustained the objection, as to why the change was made.

(By Mr. Flynn): Why was there a change, if you know? Why was there a change in the attitude of the Party towards the Government of the United States?

THE COURT: I think he already answered that by the fact that on that date, as a matter of historical knowledge, Germany declared war on Russia. Russia then became in effect a co-belligerent with the United States, France and England and that fact in itself obviously and historically made a great difference. If you asked me why, I think we must take notice of those historical facts.

MR. FLYNN: I won't press it.

Mr. Crouch, would it be possible for you to put your finger on a definition of Marxism and Leninism as used by the Communist Party in any of these volumes which we have marked for identification?

MR. BRAVERMAN: Objected to.

THE COURT: Overruled. The question is, can you do it.

THE WITNESS: I can find such answers, yes.

(By Mr. Flynn): In what book?

C 10

A I would have to take a few minutes for examination.

Q Go through them hurriedly.

A I think I have one here that summarized it.

Q What is that book, "Problems of Leninism" by Joseph Stalin.

MR. BUCHMAN: I object to that. First, the book is not in evidence. Second, it is a sentence from a complete book, which is, we say, a distortion of that book and makes it impossible for the jury to obtain any comprehension of the substance of the work.

THE COURT: In view of the numerous references that have been made heretofore in the case, I think by yourself, Mr. Buchman, in your opening statement, I think it permissible to ask the question of this witness, who has already identified the book, and the purpose of the identification was to permit other witnesses, when called, to refer to the particular passages in the book. If it is the wish of the defendants to make the whole book admissible, I will so rule. Go ahead, Mr. Flynn.

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

THE WITNESSES: Page 7, and I am reading from some quotation by Joseph Stalin of himself in another book

C 11

entitled "Foundations of Leninism". He is repeating here what he said in "Foundations of Leninism". He says:

"In the pamphlet Foundations of Leninism the well-known definition of Leninism is given which seems to have received general acceptance. It runs as follows:

'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.'

Q Did you use that as a guide in your teachings?

MR. BUEHMAN: Objected to.

THE COURT: Overruled.

A Yes.

MR. BASSETT: If your Honor please, there was a double question by Mr. Flynn for which the witness gave a single answer. I would like to know to which question the answer was given.

THE COURT: Read the question and answer.

(Question and answer repeated by the reporter.)

THE WITNESS: The answer is yes to both. I used it in teaching as a guide.

Q (By Mr. Flynn): Did you also in your teachings

C 12

teach what you have already referred to as the attitude of the Communist Party in the United States toward the United States, which is the overthrow of the United States? Did you teach that in your school?

MR. BUCHMAN: I object.

THE COURT: The question is leading in form. The question is, did you or not teach so and so.

Q (By Mr. Flynn): Did you or not in your teachings in the schools teach what you have referred to as the attitude of the Communist Party to the Government of the United States, the overthrow of the Government of the United States?

MR. BUCHMAN: I object. It is purely hearsay and an opinion and not binding on any of the defendants and is immaterial and irrelevant.

THE COURT: Of course, it is not binding on any of the defendants except it is evidence in the case tending to support one of the issues of fact which seems to be in the case; that is, the general teachings, doctrines and program of the Communist Party, and even that is not admissible except on the ground that it is followed up, as I have told you. Overruled.

A Yes, I taught it in each and all the schools I taught throughout my membership in the Communist Party.

Q (By Mr. Flynn): How late was it you taught this

G 13

theory?

A The last school I taught throughout was a school in May and June, 1941 and I taught at a specific class on imperialism in November, 1941.

Q Mr. Crouch, can you tell us whether or not Mr. Frankfeld was ever a member of the National Committee of the Communist Party of the United States?

MR. BUCHMAN: I object. That is a conclusion.

THE COURT: Overruled.

A Yes.

Q (By Mr. Flynn): When, if you know?

A On one occasion I recall elected him to the National Committee in 1938. My best recollection is that he was on earlier.

Q But he was on in 1938?

A Yes.

Q Mr. Crouch, I just want to ask you one final general question. Do you know or have you had any contact with Albert Lannon?

MR. BUCHMAN: I object.

A Yes.

Q Will you tell us who Albert Lannon was briefly and as to any connections he may have had with the Communist Party?

MR. BUCHMAN: I object.

C 14

THE COURT: It is a simple question of fact and I can not see that it is immaterial. The objection is overruled.

A Mr. Lannon, when I knew him, was connected with the waterfront, an organizer of the Communist Party in Baltimore.

Q Did you know him during the entire period of your membership in the Communist Party?

A During the latter part of my membership.

Q William Z. Foster.

A I knew William Z. Foster throughout the period of my membership, closely, intimately. I corresponded with him prior to meeting him in Chicago, a National leader of the Communist Party throughout, a member of the National Committee; most of the time as National Chairman.

Q Can you tell us whether or not Mr. Foster knew Mr. Frankfeld or had any contact with him?

MR. BUCHMAN: I must object to that.

THE COURT: The question is perfectly proper in form. Can you tell us whether you know. Whether he does know or not, I don't know. The answer, therefore, can be either yes or no, do you know?

MR. BUCHMAN: The question asks whether he knows if someone knew someone else.

THE COURT: There may be various ways in which

C 15

he would know it. Therefore, he may answer yes or no.

If he says "Yes", the next question will be, "How do you know it?" and then he has to state how he knows it and then, of course, it might develop that he may or may not know it in such a way to answer it.

Q (By Mr. Flynn): Do you know whether or not Mr. Foster knew or did Mr. Frankfeld know Mr. Foster?

A Yes.

Q How do you know it?

A I have been present when they were engaged in conversation, when the three of us were engaged in conversation together. Mr. Foster and I have been present when Mr. Frankfeld was speaking and Mr. Frankfeld and I have been present when Mr. Foster was speaking. I have discussed Mr. Foster with Mr. Frankfeld and I have discussed Mr. Frankfeld with Mr. Foster and Mr. Foster has spoken to Mr. Frankfeld with me on a number of occasions.

MR. BUCHHEAN: I object and move to strike out the answer as there is no foundation.

THE COURT: You can ask on cross-examination for the dates.

Q (By Mr. Flynn): Eugene Dennis, do you know him?

A Yes.

Q Who is Eugene Dennis and tell us whether or not he knew Frankfeld?

C 16

A Eugene Dennis was a National leader in the Communist Party, a member of its Central Committee from the mid thirties on, earlier under the name of Waldron, was a party organizer on the waterfront on the West Coast. I knew him.

MR. BUCHMAN: Is he telling who this party was or giving a biography of the person? He was asked the simple question, who was he.

THE COURT: Suppose I asked you who was George Washington.

MR. BUCHMAN: I would say he was the Father of our country and stop, unless asked further.

THE COURT: That is apparently what he is preparing to give. Whether he knows, I don't know. You will have to find that out.

MR. BUCHMAN: The reason I point that out, this witness makes use of every opportunity to slip in immaterial answers -

THE COURT: Mr. Buchman, I do not think that is quite a judicial and parliamentary comment on your part, but I realize it was quickly said, and is of no importance one way or another. Let me get back to the question. We do not want to get diverted from the real business here on collateral and unimportant things. What is the question?

G 17

MR. FLYNN: The question is, did he know Eugene Dennis.

THE COURT: And he gave some answer as to who Eugene Dennis was and Mr. Bushman objected to that on the ground that he did not know or what?

MR. FLYNN: He objected because the witness said he knew Dennis under another name.

THE COURT: Frankly, I did not hear that answer. Just put the question. Do you know who is Eugene Dennis?

THE WITNESS: Eugene Dennis is a national leader of the Communist Party, one of its top national officials and has been since the early 30's and prior to that was a local official on the West Coast on the waterfront.

Q (By Mr. Flynn): John B. Williamson, do you know him?

A I have known John B. Williamson closely and intimately since - I met him at the same time I met Mr. Frankfeld. I met them together.

Q Is he an official of the Communist Party?

A He was up to the time of his conviction.

Q Jacob Stachel.

A I knew Jacob Stachel well since about October, 1927.

Q Have you ever had any contact with Mr. Stachel in the presence of Mr. Frankfeld or vice versa?

C 18

MR. BUCHMAN: I object. There is no foundation laid.

THE COURT: I don't know what that means. I overrule the objection.

MR. BUCHMAN: He said did he ever have any conversation with him.

THE COURT: "Contact", he said.

MR. BUCHMAN: He didn't say when or where and it is simply a vague question.

THE COURT: It is a very preliminary question.

Q (By Mr. Flynn): Do you know anything at all about Stachel or does he know Mr. Frankfeld?

A Yes, he knows Mr. Frankfeld.

Q Why do you say that?

A He has participated at trade union meetings when Mr. Frankfeld was the speaker and he has presided over meetings of the Central Committee when Mr. Frankfeld recognized him and gave him the floor.

Q Benjamin J. Davis, Jr., do you know him?

A I have known him since the mid thirties.

Q Is he an official or functionary of the Communist Party?

A Until his conviction.

MR. BUCHMAN: Your Honor, I want to object to the frequent reference to his conviction.

C 19

MR. FLYNN: If Your Honor please, I will suggest the witness not say any more than is necessary, whether you know him and whether or not he is a functionary or was a functionary in the Communist Party. That was Dennis. How about Henry Winston?

A Henry Winston was a close personal friend from 1934 on and in my last meeting with Henry Winston was in the National Headquarters of the Party in September, 1946, in New York.

Q 1946?

A September, 1946.

Q What were you doing in the Communist Headquarters in 1946?

A I was a delegate to the National Convention of my Union from Brownsville, Texas, the high body of the Union, a member of the Communist Party stated it would be a great honor to meet Mr. William Z. Foster and I spoke and said I knew Foster and we went to the National Office.

MR. WRIGHT: I object to this as hearsay.

THE COURT: Certainly I think you are correct. Strike out the fact of what somebody said. Go ahead, Mr. Flynn.

Q (By Mr. Flynn): Do you know Irving Potash?

A I have known him since the early thirties.

Q And is he also an official of the Communist

C 20

Party?

A A member of the Central Committee.

Q Gilbert Green?

A I knew Gilbert Green by correspondence from 1925 and he was one of my closest personal friends from 1927, until I left the Communist Party.

Q Carl Winter?

A I knew Carl Winter from the fall of 1927.

THE COURT: These names you are using, so the jury will understand the significance of them -

MR. FLYNN: They are the names of some of the co-conspirators.

THE COURT: Alleged in the indictment?

MR. FLYNN: Yes.

THE COURT: Very well.

MR. FLYNN: Witness with you.

MR. BUCHMAN: If the Court please, I would want some time to prepare cross-examination -

THE COURT: I think we better begin, Mr. Buchman. It may be that during the recess you may consider other questions that you have.

MR. BUCHMAN: It is only 25 minutes and I am caught by surprise.

THE COURT: Caught by surprise?

MR. BUCHMAN: This witness was a surprise witness

C 21

to us yesterday and we would like to ask that it go over until after recess.

THE COURT: Members of the jury, you may take a little earlier recess today. The recess will be until quarter of two, a recess of an hour and five minutes. Do not talk about the case outside the courtroom.

(Thereupon, at 12:40 P. M., a recess was taken until 1:45 P. M.)

Walker fs
Cavey 1:45p

W/bl

AFTERNOON SESSION

(1:45 p.m.)

9-1

THE COURT: Proceed, gentlemen.

THE CLERK: Marshal, will you call Mr. Miller in the corridor, John A. Miller?

MR. WRIGHT: May it please the Court, I propose to cross examine Mr. Crouch at this time. I would merely like to ask the Court's indulgence to remain seated while I carry on my interrogation.

THE COURT: Certainly. Certainly.

MR. WRIGHT: Thank you.

CROSS EXAMINATION

BY MR. WRIGHT:

Q Mr. Crouch, where are you employed presently?

A I am employed in Washington, D. C., by the United States Immigration and Naturalization Service.

Q And where were you last regularly employed?

A Prior to my employment before I worked for the U.S. Government?

Q Yes.

A The State of California, as a special investigator for the California Senate Fact Finding Committee on Un-American Activities.

Q Was that a part time employment or full time?

A Full time.

Q Were you ever employed by the Miami Daily News?

w/b2

A I was, from January, 194- -- from January of 1949 until I received a leave of absence in the fall of that year, and my leave expired in the spring of 1950.

Q Did you return--

A Incidentally, it expired during the period I was employed by the State of California Legislature.

Q Now, did you return to Miami?

A I returned to Miami from time to time. I have a home in Miami. I own a home at 10211 North West 33rd Avenue. My wife and my mother and daughter-in-law are there now.

Q Did you return for purposes of employment, sir?

A Not for purposes of employment. After my leave of absence had expired I was already employed by the State of California when my leave expired.

9-2

Q Now, during the period of your employment with the newspaper as indicated, was there any labor disputes at that time?

MR. FLYNN: I object to that, sir.

THE COURT: What is the purpose of that, Mr. Wright? Keep your seat.

MR. WRIGHT: Your Honor, I wanted to go into the witness' credibility on some of the occurrences which arose during that period that he has described. I might say also additionally, if it please the Court, for purposes of testing his memory and recollection of facts.

w/b3

THE COURT: Well, it does seem to me that that is a rather immaterial detail. Certainly, questions affecting his credibility are generally in order, but it would not appear on the surface of that question that it was for that purpose.

MR. WRIGHT: I will withdraw it, if Your Honor please, if it is not connected up, but I do propose to connect it up.

THE COURT: Go ahead for a little while until I can see whether it is connected up.

MR. WRIGHT: Thank you.

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

A What was the question?

Q The question was as to whether or not there were any labor disputes at your place of employment with the newspaper in Miami?

A There were disputes, not involving me.

Q Now, do you know whether or not there was a picket line?

MR. FLYNN: I object, sir.

THE COURT: I really do not see the relevancy of that, but let him answer the question.

Was there a picket line?

THE WITNESS: There was.

Q (By Mr. Wright) Now, did you cross it, sir?

A In company with American Federation of Labor members,

W/b4

with the Pressmen's Union of the American Federation of Labor and others whose work was not involved in any way and it was not connected with this picket line.

Q Now, as a result of that, sir, isn't it a fact that you were denounced by the International Conference -- the International Typographical Workers Union as a scab?

MR. FLYNN: I object.

THE COURT: How does that tend to affect his credibility?

MR. WRIGHT: Your Honor, I will withdraw it if Your Honor does not permit me to pursue it.

THE COURT: I just do not see how that affects his credibility at all.

MR. WRIGHT: Very well.

Q (By Mr. Wright) Before you went to work with the newspaper, Mr. Crouch, where were you regularly employed?

A I was employed by the Miami Herald, Miami, Florida.

Q When did you start your employment there?

A In September of 1948.

Q And where did you go after that, sir?

A To the Miami Daily News.

Q When did you say you ceased working for the Miami Herald?

A In January, 1949.

Q In what capacity did you work for the Herald?

w/b5

A I worked in the radio facsimile edition.

Q Exactly what do they do, sir?

A They broadcast -- they broadcast programs on the air which -- papers which are picked up by people who have receiving sets in their homes or offices, places of business, hotels, where it reproduces by radio a copy of the paper broadcast from the Miami Herald.

THE COURT: Do not go into too much detail, unless the question absolutely requires it.

Q (By Mr. Wright) Where were you employed, sir, prior to working for the Miami Herald?

A Prior to working for the Miami Herald I worked in sales -- I had worked in sales work for the Funk & Wagnalls publications and as the publicity man for the Forty and Over Association. Immediately prior to that was editor of the Dade County News.

Q Can you fix the time for that, sir?

A All in the spring and summer of 1948.

Q Now, can you tell us exactly what time -- or did you say your employment at Funk & Wagnalls was all during 1948? Was that the understanding?

A Not after I worked with the Miami -- until -- with the Miami Herald, before I went on the Miami Herald. I may have done some work for them after that. I don't specifically recall it at this occasion. I may have done some services for Funk &

9-3

W/b6

Wagnalls after that, but as my major occupation it ceased then.

Q Now, let me ask you, Mr. Crouch, if you can tell us precisely what period was covered by your employment with Funk & Wagnalls?

THE COURT: With what?

MR. WRIGHT: Funk & Wagnalls.

A I don't recall the exact -- it was through the spring and summer of 1943. There was some overlapping of my work for the Forty and Over publicity work.

Q Were you engaged in anything else during this period, sir?

MR. FLYNN: May it please the Court, I don't want to be objecting, but it seems to me I can't see any purpose in this. Obviously, they are reading from testimony that has been taken at some other place that this gentleman has given, and the purpose of it I can't see in connection with this case.

MR. WRIGHT: Did you wish me to state --

THE COURT: I will overrule your objection to this question, but it would be helpful to us all if you would come to a more definite point as soon as you can.

MR. WRIGHT: Well, Your Honor, certainly this line of questioning goes to test this witness' recollection. He has presented himself here as an expert who has great, vast knowledge of technical things in a very minute way. Now, I am now

w/b7

directing his attention to 1948, which is a lot sooner than the time to which he has testified.

THE COURT: Has he not answered the questions so far?

MR. WRIGHT: It is not my objection to his answers. It is Mr. Flynn's objection to his answers.

THE COURT: I know the point is that you are getting nowhere with the line, but I do not want to interfere with you as long as you think you have something you may bring out which will bear upon this witness' testimony.

Q (By Mr. Wright) Now, Mr. Crouch, have you published any books?

A I have not yet published books since leaving the Communist Party. I have had many articles, magazine and newspaper articles published, and I have a book in course of revision at the present time.

Q Now, were you paid for these articles that you wrote about the Communist Party experiences?

A I have been paid for some articles and I have not been paid for other articles. I would say the majority of times I have either not been paid or the amount has been insignificant. Some I have been.

Q Now, by "insignificant", sir, exactly what do you mean?

A I mean, for example, that a newspaper in upstate New York paid the sum of \$16 for ten articles. I call that

W/b8

insignificant.

Q Now, about this book you mentioned, sir, can you give us the name of that?

THE COURT: It has not been published yet, I understand.

Q (By Mr. Wright) Do you have a title to it already, sir?

A The working title is "Broken Chains."

Q And who is your present publisher?

MR. FLYNN: Now, I object, may it please the Court.

THE COURT: Now, Mr. Wright, I think that is immaterial.

MR. WRIGHT: Very well.

Q (By Mr. Wright) Can you tell us what the nature of the book is, sir?

A The nature of the book is a description of how a native of the South was lured into a vast and frightful conspiracy without realizing what that conspiracy was, of how after many years he realized he had created a Frankenstein that today threatens to devour civilization, and he calls upon the people to wake up to this danger before it is too late.

Q Now, when did you start writing this great revelation that you spoke about, sir?

A I began the first research and the first notes in

#/b9

1946.

Q And was that at the time that you told us that you had gone to the national headquarters of the Communist Party in New York or prior to that time?

A Afterwards.

Q What was the reason for your going to New York if you had such a view at that time, sir?

A The reason for my going to New York was I was employed in a defense industry. The workers in that industry had elected me as secretary to Local 503 of the union and had elected me as the representative of the Pan American Airways at Brownsville, Texas, at an international convention of the CIO union. That was the reason I went to New York.

Q Is that sponsored by the Communist Party?

A Not sponsored by the Communist Party, but ^{at} that time it was heavily infiltrated until Mike Quill kicked the Communists out.

Q I see, sir. I understood you to say, sir, that you went to New York for the convention but later you found yourself at Communist Party headquarters?

A That is correct, sir.

Q How do you explain that, on the basis of your later statement that you felt that this was a conspiracy?

A At this convention Mr. Fred Swick, President of the

#/b10

New York local of the Transport Workers Union, CIO, advised me that he had been a member of the Communist Party since April of that year, that he regarded William Z. Foster as the greatest living American, and that he hoped someday he would have the opportunity to shake hands with such a great man as Foster. I laughed at him. I said, "I happen to know Mr. Foster very well, and if you consider it such a great honor I will take you down to national headquarters and introduce you to him because he is just an ordinary man."

9-4

So we went down to the national office, 9th floor, and I asked Mr. A. Benson, who was seated at the front desk, to see Mr. Foster. He greeted me cordially -- having known me for so many years, -- and I asked for Foster. He said he was not in. I asked who the highest officer was. He said Henry Winston, whom I had known for many years. I said, "Let's see him."

So I introduced Fred Swick and Winston; him and Swick shook hands, and we talked for a few minutes in Mr. Winston's office, and during the course of the conversation Steve Nelson was called in, and I exchanged a few words with him, and we left.

During this conversation I criticized the way in which the Communist Party was handling things in connection with the trade union work --

Q (By Mr. Wright) I think that answers the question,

W/bll

Mr. Crouch.

A Okay.

Q Where did you go after you left there? Did you go to the convention?

A Went to the convention, as far as I recall.

Q Now, did you ever work for the National Forty and Over Association?

A I did.

Q What was your work with them?

A My work for them was as -- I was vice president -- I was national vice president and engaged in publicity work for them.

Q What kind of publicity work is that, sir?

A Promotional publicity, writing releases on the aims of the organization, preparing material, pointing out that men who have reached middle age are really in a position to render many years of additional service to industry, that it is a great mistake for industry not to give them equal opportunities at least, and such other legislative and publicity actions as are necessary in connection with problems often faced by middle aged men.

Q Now, can you fix the date of that, sir?

A I stated in 1948.

Q And how long did you stay employed with them?

A I -- over a period of months.

w/b12

Q Do you know what months they were, sir?

A They were in the spring of 1948. I don't recall specifically.

Q Do you remember where you were employed prior to that time?

A I was editor of the Dade County News. I believe counsel has a copy of that, if you wish to see it, with my name on the masthead.

Q How long did you work there, sir?

A I worked there from December until around February or so -- from December of 1947 until the winter of 1948.

Q Are you sure of that date, sir?

A Yes, I am sure it was in the winter of 1948. If I might refresh my recollection, if I may see a copy of the Dade County News I could refresh my recollection precisely as to exact date.

Q Now, was there any other employment that you had prior to that time?

A Yes.

Q Will you tell us what that was, please?

A I was editor of the newspaper, the Union Record, the official organ of the CIO for the State of Florida, and state publicity and public relations director for the CIO of Florida through 1947.

Q You say through 1947. Is that from January until

W/b13

December?

A From late -- as I recall the exact dates -- may I have a copy of the Union Record to refresh my recollection on that?

MR. FLYNN: Mr. Green has gone to get those papers, so when they come in we will let you have them.

THE WITNESS: As near as I can recall it from memory, I would say it was from late January when I began work on the Union Record. I think the first issue came out in February, and I left early in December of 1947.

Q (By Mr. Wright) Now, when did you start your employment at the Federal Security Agency?

A I have yet to start that employment.

Q In other words, you never worked at the Federal Security Agency at all?

A I never worked for an organization known as the Federal Security Agent -- Agency. Now, what you may be asking me -- what you may be wishing to ask me is whether I have ever worked with any federal security agencies. Perhaps that is the nature of the question you wish to ask me.

Q Have you so worked?

A My present work, I would say, is in connection with a security as well as a service agency. I consider it --

Q No, I am not asking you what you consider it. I am merely asking you whether you have worked, and, if you have,

#/b14

to tell us.

A If you were to define the question "have worked" also I would be able to answer more exactly. Do you mean have I ever been on the weekly payroll as a regular employe or have I done work either for part time compensation or without compensation for agencies connected with the security of our nation?

Q Mr. Crouch, that is information you have. Will you tell us what the nature of that was, whether it has been part time or full time, what compensation you received?

A I don't know -- what testimony are you quoting from?

Q I am asking you whether or not you worked for a government agency for which you were paid to become an informer. That is not --

O flws
2:08

O/bl
1
f Wk
2:05

MR. FLYNN: I object to that question as to the amount he has been paid to become an informant.

Q (By Mr. Wright) Whether at that time he was paid as an informant, informer?

A To answer that question in the way you ask it I have to use the Moscow Communist language.

Q I will ask you whether you were a paid informer when you commenced that employment?

A If you state what you mean by that I can better answer it.

Q Would you tell us ^{an} what ^{an} informer is?

A I think --

THE COURT: Just a moment.

I think, Mr. Wright, you asked questions which are rather beyond the scope of cross examination, and these questions to the witness necessarily require, according to his view, to ask you what you mean by that question. Now, I again suggest you come more definitely to the point of the cross examination.

You asked him whether he was a paid informer for the Government or for somebody else, and he asks you what you mean by the term "informer". Now, I think you should define that term if you want to ask that question.

MR. WRIGHT: I will be glad to do that, Your Honor.

Q (By Mr. Wright) That information Mr. Crouch, which

O/b2

you allegedly gave to any United States Department and as a result of the donation of information you received compensation in return?

MR. FLYNN: I object to that question. That is a statement of fact instead of a question.

THE COURT: Let him answer the question.

THE WITNESS: In answering it as you stated, as I understand by that term informer is anyone who furnishes Government of the information in any capacity for the United States.

Q (By Mr. Wright) No, that is not the question. The question is, did you get paid for giving information to the Government for your alleged Communist information and knowledge?

A I have --

Q The question can be answered yes or no.

A I have never been paid for giving information to the Government of the United States, and the compensation I have received or receive now is for work spent, not on the basis of the information, and I gladly -- I have always gladly given all information since I have contacted the Government free of charge, and I have spent hundreds of hours of doing this.

If I received compensation when I took time off from work, that is compensation for time spent, not for the information.

Q Let me ask you this question: When did you begin

O/b3

such employment that you now described for us?

A I took a little time off from work in -- during the course of 1943, to prepare some material for the Government of the United States and for the purpose of taking time to travel to New York City to confer with United States Attorney in connection with the Foley Square trial, based on the -- the compensation was based on the actual time lost from my employment.

Q All right. How much were you getting in this place that you were employed at?

A I --

MR. FLYNN: If Your Honor please, I think we are going away beyond any scope of any examination in this case. It is not cross examination, and the only purpose is to test the credibility of the witness, as counsel states, to test his memory as to dates, and I think we are going far afield because I think it is entirely collateral to this case.

THE COURT: Well, you wish to show that he is in some way --

MR. WRIGHT: Biased by reason of his interest in the case.

THE COURT: You finished the question I was going to ask, perhaps --

MR. WRIGHT: It is on that basis.

THE COURT: -- perhaps not using the word bias.

0/b4

Do you wish to show he is in the employ of the United States. He has already told you he has.

MR. WRIGHT: That is correct, Your Honor, but he is an interested witness.

THE COURT: He is what?

MR. WRIGHT: Interested witness by reason of his employment, and the jury has a right to know that.

THE COURT: If, when and as the time comes for a definition of interested witness you could ask the Court to define it.

MR. WRIGHT: We propose to do that, Your Honor.

THE COURT: You are stating it, Mr. Wright, and that statement I think is not properly a part of the question.

MR. WRIGHT: I may withdraw it, Your Honor.

THE COURT: All right.

MR. WRIGHT: It is a gratuity, gratuitous in connection with, by virtue of the colloquy which it developed.

THE COURT: You are asking him whether he received a salary or compensation from the United States and if so for what.

MR. WRIGHT: Does Your Honor overrule the objection to the question that is pending but not answered?

THE COURT: Mr. Owens, would you find that question and read it?

(The Reporter read as follows:

"How much were you getting in this place that you

0/b5

were employed at?")

THE WITNESS: In December --

MR. FLYNN: Just a minute. I object to that question. I object to this question.

THE COURT: I sustain the objection because it is too vague and uncertain. I don't know what employment or place you are referring to.

MR. WRIGHT: Very well, Your Honor.

Q (By Mr. Wright) Now, Mr. Creuch, you were testifying that the money you got for going to New York was not for giving information, as you allege up there, but was only the amount that you lost as a result of your employment; is that right?

A Yes.

Q Now, I would like to ask you how much were you getting from this place of employment?

A As nearly as I can remember I was getting close to a hundred dollars a week. I don't recall the exact amount. I don't recall exactly how long I was gone, but roughly, somewhere around \$75 or \$100 a week.

Q Can you give us any definite amount as to what you received when you were away? Was it \$500 or \$1,000, something in round figures, to your best recollection?

A Well, I would say according to my best recollection that the amount I received was in 1948 for all the time spent,

0/06

was in a round sum about less than \$200.

Q What period of time would that cover?

A Throughout the year.

Q That is which year?

A 1948.

Q All right, si r.

Now, going to 1949, was the situation still the same?

A Are you referring to the executive or judicial branches of the government in 1949?

Q You can state which branches they were. Tell us how much compensation you received from which branch, if any.

A From the judicial branch of the United States Government, I was in New York in May, 1949, and I spent most of the month in Washington, D. C., in testimony before the House Committee on Un-American Activities and in interviews with the staff of the House Committee on Un-American Activities one day, and testimony before the Senate Immigration and Naturalization Sub-Committee, and I received from the House Committee on Un-American Activities \$6 per day from which I had to pay my hotel and my meals and other expenses.

From the United States Senate I received, as I recall, a check of \$4 from which I had to pay my hotel, meals, and other expenses.

During the spring and summer of 1949 I have no

0/b7

personal recollection of receiving any funds from the Federal Government, from its executive and investigative branches. That is not to say I may not have received small compensation, but if so it was for something so small I don't recall.

In August or September I was asked by the Immigration and Naturalization Service to take time off from my work to go to New York -- to go to the North West, and following that to Sacramento, California for testimony regarding the aims of the Party, and in the course of this work with the investigative branches in research and preparing material I received a witness -- I received expert witness fees of \$25 per day during the time of my appearance and no compensation for the time lost between appearances, which caused an overall serious financial problem for me.

Then in November I was served with a subpoena to appear at the Bridges trial.

Q In 1949 --

Q (By Mr. Flynn) What trial is that?

A The trial of Harry Rinton Bridges in the Federal Court of San Francisco on a charge of perjury.

Q (By Mr. Wright) Now, going back to the early part of 1949, I understand you to say you received compensation of \$4 per day?

A I received for all the -- I received -- when I was with the United States Senate, the Immigration Naturalization Sub-Committee, I believe it was the 16th day of May, 1949 as

o/b8

nearly as I can recall, and the check was \$4 according to my best recollection for that day. When I was testifying before the House Committee during May I received for the days I was there \$6 per day.

Q Was there any other compensation in addition to this?

A For the House Committee, no.

Q Did you get any compensation from that job that you were holding even though you were not present during those periods?

A I received a small amount that I used to pay guards to protect my home and my family from Communist secret -- Soviet secret police assassins while I was in Washington, and from which I later reimbursed my employer.

Q Who was your employer from whom you made this loan?

A Miami Daily News.

Q 1949?

A No.

Q What was that amount that you had indicated you had borrowed?

A I don't recall the total amount, as nearly as I can recall we paid -- I believe it was \$12 a night for the duty police to protect my home.

Q This was as late as 1949?

A Yes, 1949, yes, May, 1949.

0/b9

Q Is it that you don't recall because of the lapse of time between now and then?

A Yes.

Q Now, going to your employment with your present employer, would you state what your present position is?

A My present position is consultant with the Immigration and Naturalization Service of the United States Government.

Q How long have you been there, sir?

A I have been there since August, 1951.

Q What are your specific duties?

A My principal duties are as consultant with the Immigration and Naturalization Service.

Q Consultant on what?

A Consultant on such matters as I may be called upon by my superiors.

THE CLERK: Would you please face the jury?

Q (By Mr. Wright) Is there any special subject matter upon which you are a consultant in this case?

THE COURT: I do not see the relevancy of that question, Mr. Wright. You have had over a half hour to question along the lines of the witness' credibility and his recollection. He has answered a number of questions from which I think anybody can rather say he has refreshed his recollection, and I haven't heard anything affecting his

o/b10
3

credibility, other than perhaps an argumentative view which I can discount, if counsel desire to argue it, that he has been in various respects engaged by the United States for a particular purpose respecting the compensation, if any, that he has received.

Now, I think we have gone far enough along that line, and I suggest that you turn your cross examination to something which relates more directly to the subject of his direct examination.

MR. WRIGHT: Yes. I would like to ask this one additional question if I may.

Q (By Mr. Wright) What is the amount of your present salary?

A My present salary is \$100 -- \$10 per week; \$22 per day.

Q Do you receive compensation in addition to that for appearing at various judicial hearings?

A I would like to say emphatically and clearly that I am not on the payroll of the Immigration and Naturalization Service while I am appearing here. I am losing my salary for every day I appear in this case.

Q You are not getting paid expenses, compensation for being a witness?

A I expect that ~~to~~ to receive from the Department of Justice an expert witness fee in this case, and I am also

O/bll

receiving travel orders for transportation from Washington to Baltimore, which I exchange for a railroad ticket.

Q In addition to this compensation, sir, did you get an expense account as well?

A I don't know what is meant by that, expense account. If you mean taxi fares, railroad station down here, I would expect to be compensated.

THE COURT: Just a minute, just a minute. Gentlemen, we do not want to get into trivialities like that. That is just a waste of time.

Q (By Mr. Wright) Now you testified Mr. Crouch, that you received a sentence of 40 years; is that correct?

A That is correct.

Q Would you explain to the Court and jury how was it that even though the sentence was 40 years you only did three years?

A The sentence was reviewed by the War Department, and on the basis of that review the sentence was commuted from forty years to three years in the Army Disciplinary Barracks.

Q Was it at that time that you had been contacted by Government officials as to becoming an informer?

MR. FLYNN: I object to that question, Your Honor. I must insist upon my objection as to this word "informer." It is only done to try to belittle the witness, to put him into a position, and that is not a position that the witness should

O/b12

be put into in any way, and I think the word "informer" is entirely out of order. ✓

THE COURT: I think it might be left out of your questions without impairing the significance of the questions.

Are you now asking him about whether the sent once was reduced by the War Department because of his contacts to serve the Government with information? Is that what you ask?

MR. WRIGHT: At that time, yes.

THE COURT: Answer that question.

THE WITNESS: I was not approached by the Government. I did not approach the Government for any kind of service. I did not approach the Government, but I think about January 1948, according to my best recollection, and if I did you would be sure -- and --

Q I am not interested in that, but I am asking you --

MR. FLYNN: Let him finish.

MR. WRIGHT: I am not asking that. That question is finished.

Q (By Mr. Wright) Now Mr. Crouch when was it you said you first applied for membership in the Communist Party?

A In a meeting with Tom Louis, District Organizer of the Communist Party in a visit to me in company with my attorney at Alcatraz Disciplinary Barracks, a little after my arrival there in August of 1925.

O/b13

Q You mean you were in prison at the time you made this application?

A That is correct.

Q What Communist contacted you at that time?

A I said Tom Louis, District Organizer of the Communist Party in California who visited me at that time in company with my attorney, Austin Louis -- no relation to Tom Louis.

Q When was it that you got your card as a result of this application?

A I received my card at the national headquarters of the Communist Party, the then headquarters of the Communist Party in Chicago, Illinois, in September, 1927 from, directly, Foster accompanied by Jay Lovestone, Ben Gitlow, the three members of the Secretariat, who personally presented me with my membership card.

Q How many years after was it that you made your application that you received this card?

A It was -- from August, 1925, to September, 1927 -- two -- I would say two years, one month.

Q Did your card date from the time you received it?

A No, the card dated from 1925.

Cvy
2:25

Cavey fs
Gwens
225p

Q Can you tell us how that happened to be?

A Because it was made retroactive to the date of application based on the fact that it had not been previously made due to the technicality of protesting me and the Party in the appeal pending before the Ninth United States Circuit Court of Appeals in San Francisco.

Q Then it was the Communist Party who was responsible for your getting a reduction in your sentence?

A No, I would say if it had not been for the Communist Party, I would have probably received a reduction to one year. The Communist Party started an important world agitation around my case, making me an international hero of the Communist movement and I think this was prejudicial to my chances of reduction.

Q I am asking that you give us the facts, what you thought at that time and the result of your opinion at that time.

A I would say at that time I thought so, too, but not what I said in public.

Q Did you say so, if you thought so?

MR. FLYNN: He said he thought so.

Q (By Mr. Wright): You did not tell anyone that was what you thought at that time?

A No, it would have been prejudicial to the revolutionary principles of the Communist movement.

C 2

Q Did you immediately take up your work with the Communist Party after you got the card?

A I took up my work for the Party before I got my card. I took it up within an hour after I was released from Alcatraz Disciplinary Barracks the first day of June, 1951, as stated in the formal greetings in the Daily Worker on the front page of the Daily Worker of June 1st, 1951. Immediately without an hour's delay I began work in the Communist Party and continued that work continuously until 1942.

Q What was your first assignment of duty?

A My first assignment of duty was to make a speaking tour carrying on Communist propoganda from coast to coast to convince the American people how wrong the government was.

Q I didn't ask you that but what it was.

A Immediately on release, I was - in fact, it was arranged before release.

MR. FLYNN: Do you want to see that Daily Worker that it was published in?

MR. WRIGHT: No.

Q (By Mr. Wright): Coming down, let me ask you this: When was it in relation to the first trip you say you made to the Soviet Union?

A Repeat that, please.

C 3

Q When was it with reference to the trip you made to the Soviet Union - - with relation to that trip, how long was it after that that you took this trip to the Soviet Union?

A I completed my tour of the United States approximately the first of October, 1927 and I left for the Soviet Union the first week of December, 1927.

Q By the way, how long had you been in the army prior to your court martial?

A I had been in the army one year to a week at the time of my court martial. I joined -

THE COURT: That is enough. Do not go into any more detail that seems necessary. I mention that only for the purpose of saving time.

Q (By Mr. Wright): How old were you at that time?

A A little less than 21, 20, to be exact when I went in the army.

Q Had you advanced any positions in the army at all?

A I was regimental supply clerk at the time of my arrest and previously had been in charge of preparing publicity for G-2 matter for military intelligence for Honolulu newspapers.

Q You were never more than a private?

A Not in technical rank.

C 4

Q Directing your attention to the time you say you went to Russia, when you testified you went to see

A Marshal Tukhavesky, yes.

Q What was it exactly you discussed with them with relation to -

THE COURT: Let me just call your attention, Mr. Wright, the witness told about that or started about it on direct examination and objection was made to his continuance. Now, if you desire to ask about that conversation and so on, I think you are permitted to do so, but I call to your attention that it was a matter that was excluded under objection from one of your associates at the time. However, if you want to go into it, you are privileged to do so.

MR. WRIGHT: The only thing is that I want to keep perfectly within Your Honor's recollection of the testimony, but I understood to the contrary.

THE COURT: Very well, go ahead, Mr. Witness. Answer the question. You were asked about the conversation with two men.

Q (By Mr. Wright): I will reframe the question if the Court permits. Was one of the subjects of conversation you had with the Marshal - whom else did you say was present?

A The staff officers and their interpreters.

C 5

Q Was a subject of discussion at this meeting the matter of military strategy?

A That could, as you frame the question, that could call for several different kinds of conclusions. From the viewpoint of military strategy as understood by the Communists, yes, and particularly it was the matter of military strategy in reference to the necessity of knocking out the Panama Canal in order to cripple the United States. I would call that a matter of military strategy more than anything else.

Q I didn't ask for your opinion, Mr. Witness. How long did this meeting last?

A It lasted for - it was all of one day. I don't recall exactly how many hours.

Q Were you able to speak Russian?

A Not too well. I had a year's Russian in the University of California but I made no attempt to carry on the conversation in Russian. I spoke in English and they spoke in Russian with an official staff interpreter of the Red Army.

Q Isn't it a fact that the term "Marshal" was not used in Russia at that time?

A That is correct.

Q Why do you refer to it now as such?

A I referred in my testimony to Marshal Tukhavesky

C 6

due to the fact that the ranks which were held at that time were later changed over. For example, I often referred to myself as a Colonel of the Red Army, while technically speaking at that time my official status was regimental commander of the Red Army. At a later date they transferred the titles to the equivalents in the United States, France and other countries and its equivalent.

THE COURT: Do I understand you to say you were known as a colonel?

THE WITNESS: Yes, my photograph in a Red Army Officer's uniform appeared in the Daily Worker of May 1st, 1928.

Q Colonel in what army?

A A Colonel in the Red Army of the Soviet Union.

By Mr. Wright:

Q How old were you at this time?

A I was - this was in 1928. I was 25 years of age.

Q Had you any other military training or experience other than a year in the United States Army at that time?

A Reading steady.

Q For a year you were a private and you had no other military training?

A And in the National Guard before I went in the regular army.

Q Just briefly, how much time did that comprise?

C 7

THE COURT: The purpose of that question is what? To show he would have been a corporal in the American Army and was a colonel in the Russian Army by virtue of his going to Moscow?

MR. WRIGHT: Exactly right.

THE COURT: How do you think that bears helpfully on your cross-examination?

MR. WRIGHT: I think it bears very definitely on the witness' credibility.

THE COURT: Do you mean to say you would contend it was incredible for this man to become a colonel in the Russian Army?

MR. WRIGHT: On the basis of his experience.

THE COURT: All right, you can ask him that question if you want. Doesn't it seem very strange to you, Mr. Witness, that with your military experience in the United States that you would be made a colonel in the Russian Army? Is that what you want?

MR. WRIGHT: Yes.

A It wasn't so strange. It was normal. John Williamson, who had no military training to my knowledge, had the same rank a year before in the Soviet Union, in the same division of the Red Army. Incidentally, Your Honor, I was able to sit on a horse during the cavalry charges and Williamson was thrown off in the snow and had

C 10

to ride back in an artillery wagon.

THE COURT: Do you mean to say that as a colonel in the Russian Army, you actually participated in maneuvers?

THE WITNESS: I participated in cavalry maneuvers with the Budday Division of the Red Army and went out with the commanding general to the rifle range. The general at that time didn't exactly have the title at that time but was the equivalent of our division commanders in the Red Army and I reviewed the division as it marched before us in the square of the city of Tambov and at the end of it I addressed the division and pledged the full resources of the American Communist Party in aiding them to victory over the United States.

(By Mr. Wright): Did you make a lot of suggestions as to military strategy at that meeting or was it confined to other subjects?

A The meeting you refer to at the Lux Hotel with the Marshal?

Q Yes.

A My discussions were in connection with military strategy as far as the demoralization of the American Army, carrying on propaganda, having soldiers indoctrinated so that they would be ready to shoot their officers and desert to the Red Army and fight on the side of the Soviet Union

C 11

against the American Army. It was along this line that suggestions were made and they went into considerable technical details presenting my views and my colleagues, including Phil Frankfeld.

THE COURT: How many years or how many months were you with the Russian Army?

THE WITNESS: I visited the Russian Army first about Christmas. I spent a week with the Buddy Division in February, 1927 and I lectured before the Military Academy, the West Point of the Soviet Union, through January, February and March of 1928.

Q (By Mr. Wright): On the basis of the limited experience which you had as a military officer, is it your view now that these officers to whom you have referred accepted with any credence the recommendations which you made?

A Well, Marshal Tukhavesky said that the plans I submitted on behalf of the American Communist leadership lacked sufficient concentration, it was scattered too much, that we should concentrate in such strategic places as Panama and Hawaii and he made a number of criticisms of the plans. I learned from him and other Russian military experts with whom I had dealings in the Soviet Union.

Q By the way, I believe you told us that you knew

C 12

Mr. Frankfeld at this time?

A Yes.

Q When was this meeting with reference to that?

A '27.

Q Was that prior to your visit to Russia?

A Yes.

Q Under what circumstances did you meet him?

A In the National Committee of the Communist League, of which we were both members.

Q Was he a member before you became one?

A Yes, Mr. Frankfeld was. Mr. Frankfeld was a member at the time of my release at Alcatraz. So was I. I was elected in 1926 to the National Committee, as shown by the published records of the Young Worker - I don't recall when Mr. Frankfeld was first elected to the National Committee. It was while I was in Alcatraz because he was a member when I came out.

Q On what facts, except that you thought he was a member?

A On the fact that - any number of facts - 1, that the roll was called and members cast their votes as to how they voted at meetings on various occasions when his name and mine were called; that in the minutes that were published by the Secretary of the Young Communist League, his name, my name and the names of the other members

C 13

appeared as members of the National Committee and also in May, 1929, when we had a convention to elect officers, his name came up for re-election and not for election as a member of the National Committee and the National Bureau of the Young Communist League.

Q Mr. Frankfeld at this time or at any time during which you knew him made no effort to his this alleged membership?

A None whatever. He advertised it in fact.

Q Did you make any effort to hide yours or withhold it as a matter of public information?

A I did not.

Q This meeting with Mr. Frankfeld which you described in 1927, exactly what happened on that occasion and tell us when it was, if you will?

A As far as I recall, around the early part of October is my best recollection, after I arrived in New York, after completing the speaking tour and I met with the other members of the Bureau and was immediately as a matter of form, I recall one of the first points in order of business was my election to the Bureau of the National Committee. I was a member of the National Committee and the Bureau is a separate small executive body of it and the processes of the Committee admits new people to it by vote of the other members and the vote was unanimous.

C 14

Q Did you see Mr. Frankfeld subsequent to this meeting?

A I saw Mr. Frankfeld subsequently at Young Communist League meetings. I saw him in June and July of 1928. I saw him in the fall of 1928. I saw him at the convention in May, 1929. I saw him, for example, on the 24th of October, 1929 and I might say my recollection of that was -

THE COURT: I think that is enough.

Q (By Mr. Wright): I call your attention, if I may, to December, 1949. I believe you stated that you attended and were a witness at the trial of Harry Bridges, is that correct?

A Correct.

Q When testifying at such trial, do you recall testifying that you saw Mr. Bridges at the Communist Party Convention held in Madison Square Garden on June 27th, 1936?

MR. FLYNN: I object.

THE COURT: What is the purpose of that, Mr. Wright?

MR. WRIGHT: My purpose is specifically to show that the witness at that time testified that he did make such an observation. It later developed that he was absolutely wrong and was corrected by evidence brought out

C 13

and I want to question him with reference to that occurrence.

THE COURT: Is that for the purpose of testing his recollection or what?

MR. WRIGHT: I think that destroys his credibility, goes directly to that.

THE COURT: Very well, ask him the question.

THE WITNESS: What is the question?

Q (By Mr. Wright): Did you so testify in the Bridges trial in 1949 that you saw Mr. Bridges?

A Here are the facts -

Q Just answer yes or no.

THE COURT: Let him answer. You asked the question. The witness is entitled to make his reply to a question that insinuates as to his veracity., You answer the question.

A The facts in this case are the following: At the trial of Harry Bridges on charges of perjury, I testified to the best of my recollection that I saw him at the National Convention of the Communist Party in New York City during the course of a convention, which documentary evidence showed was held around from the 24th to 28th of June, 1936.

Mr. Bridges, through his attorney, came back with the charge that during the course of that trial, that

C 16

that was impossible for Mr. Bridges to be there, that Mr. Bridges was in San Francisco on a certain date, on the 24th, and was in San Francisco, California, on the 27th.

Bridges testified that air line transportation was of such length as to make it impossible.

The government put on as its first witness, as a rebuttal witness, an official of the United Air Line, who brought with him the time tables of the air line for that time, showing that Mr. Harry Bridges' testimony was false, showing what the actual time was and that there was adequate time from the documentary evidence for Mr. Harry Bridges to fly to New York to attend an afternoon and night session and much of the following day's session and fly back in time for this and after this evidence was presented to the court, Mr. Harry Bridges was convicted by the jury of perjury.

W/bl
12-1
fl Cvy
2:50

MR. WRIGHT: Now, Your Honor, I ask that that answer be stricken because it does not answer the question I propounded.

THE COURT: I think it is all highly immaterial, but you asked the question and attacked the veracity of the witness, as you have a perfect right to do, Mr. Wright, and he has a perfect right to answer it in his way to vindicate himself. The whole matter is for this jury to determine as to his credibility.

MR. WRIGHT: Well, Your Honor, --

THE COURT: I refuse to strike out the answer and give you an exception.

MR. WRIGHT: Very well.

Q (By Mr. Wright) Now, Mr. Crouch, as a member of the Communist Party did you ever engage in the practice of lying and perjuring yourself?

MR. FLYNN: I object.

THE COURT: What is that?

MR. WRIGHT: I asked him --

THE COURT: Sometimes, Mr. Wright, you speak rather softly and I do not always hear your question, and to rule upon it I have to hear it.

MR. WRIGHT: I wonder if the Reporter might re-read it for the Court, please.

THE COURT: Yes, certainly. Read the question.

W/b2

(The last question was read by the Reporter.)

MR. FLYNN: I object to that question, sir, on the ground that it is an attempt to degrade the witness and has no place in this case. Counsel ought to be told about it.

THE COURT: I am inclined to think that is not a proper question to ask the witness, but nevertheless, as you have asked it, I will let the witness answer.

You may answer the question.

A I have never been engaged in perjury, either as a practice or on any occasion at any time in my life before, during or after my membership in the Communist Party. As for the question of lying, it is a question of definition. I helped prepare a great deal of material that was misleading, for example, I helped prepare material that claimed that the Communist Party wanted to better the Negro people, when it actually wanted to make them shock troops and cannon fodder against the United States.

MR. WRIGHT: Your Honor, I submit that the question has already been answered and that the gratuitous statements of the witness ought to be stricken.

THE COURT: Mr. Wright, it often happens that in cross examination, in cross examining, a lawyer, no matter how experienced he may be, asks a question which elicits a reply which perhaps might show that it was not a particularly desirable question to ask. I am sure that all experienced trial lawyers

W/b3

have had that experience. However, when the answer is given it is not for the Judge to strike it out.

Pass to your next question, please.

Q (By Mr. Wright) Now, Mr. Crouch, I believe your answer was "no"; is that correct?

A Actually, "no" as to perjury. As to lying, it calls for qualification.

Q Just answer the question.

A The answer is emphatically, no, as to perjury.

MR. WRIGHT: Your Honor, will you direct the witness to specifically answer the questions without these speeches?

THE COURT: Mr. Witness, please answer such questions as are possible to answer "yes" or "no." If you cannot make an intelligent answer either "yes" or "no" say so and explain why.

THE WITNESS: Your Honor, I can't give a "yes" or "no" to that because it is compound, consists of two distinct questions. To one I give it a very emphatic "no." To the other one I have to give a qualification, since it is a matter of what is meant by the term "lying."

THE COURT: Very well. That is all.

Q (By Mr. Wright) Now, I ask you if you did not testify before the Nashville, Tennessee, Election Board early in 1940?

A I testified --

W/b4

Q Just "yes" or "no", Mr. Witness.

A I can't give a "yes" or "no" answer because of the word "testify."

Q Let me ask you: Did you appear before the Election Board at that time in Nashville, Tennessee?

A As you phrase your question, I have to answer "no" with this qualification: I did not appear early. I appeared late in 1940.

Q Very well. Now, with that qualification, sir, did you not at that time -- strike that.

Were you not at that time a member of the Communist Party?

A Yes, I was a member and a high officer of the Communist Party.

Q Now, with respect to a question asked by the Board officials at that time, which was as follows:

"And the purpose and intent of your testimony was to lead the Election Board to believe that the Communist Party did not advocate the overthrow of the Government by force and violence?"

And was not your answer at that time "yes"?

THE WITNESS: Will the Reporter please read the question back to me?

(The last question was read by the Reporter.)

A No, there was no such dialogue or anything resembling

W/b5

that dialogue at that Board hearing.

Q What did you say with respect to the purpose and intent of the Communist Party in applying to be placed upon the ballot in that state and city at that time?

A I appeared -- I read to the Board a number of letters that I had previously addressed to the head of the registration department of the State protesting against exclusion of the Communist Party on the grounds they advocated the overthrow of the Government by force and violence, and I said that in substance, "I protest against such statements and in rebuttal to it I want to produce document this, document that, of the Communist Party," and I read various Communist writings written in Aesopian language to the Board.

MR. FLYNN: What kind of language?

THE WITNESS: Aesopian.

Q (By Mr. Wright) You did, however, did you not, attempt, and did so, as a result of what you said persuade the officials to the understanding that the Communist Party was not dedicated to the violent overthrow of the American Government? Is that not a fact?

A That is quite contrary to the facts. The Board after the hearing was convinced that the Communist Party did advocate the overthrow of the Government by force and violence, so ruled, and barred me from a place as a candidate for United States Senator from Tennessee, and barred Earl Browder from a

12-2

W/b6

place as President of the United States.

Q But it is a fact that you attempted to persuade the Board to that opinion at that time, isn't it?

A Unsuccessfully, yes.

Q No, don't characterize your answer. Just say "yes" or "no."

A I tried to convince the Board that the Communist Party did not advocate the overthrow of the Government by force and violence.

Q And you had certain materials printed and published by the Communist Party from which you made that attempt; is that not true?

A I utilized certain Aesopian language of the Party in that attempt.

Q Mr. Witness, will you please state "yes" or "no"?

A Your question isn't quite clear enough for me to answer "yes" or "no" without some explanation.

Q It is very simple, Mr. Witness. I simply asked you whether or not on the basis of materials and documents which you had in your possession, published by the Communist Party at that time, you did not make the attempt to persuade the officials to believe that the Communist Party was not dedicated to the violent overthrow of the American Government?

A On the basis of certain excerpts from certain documents, I so tried.

W/b7

Q Now, are you trying to convince this Court on the basis of certain other excerpts, to prove just the opposite?

A I am appearing as a witness to answer such questions as are asked me by the prosecution and by the defense, and allow His Honor and the jury to be governed by the evidence brought out.

Q It is a fact, though, on the basis of excerpts which you read you now wish the Court and jury to get a different point of view from the one that you gave in Nashville, Tennessee, isn't it?

A Please read that -- please re-state that question.

MR. WRIGHT: Mr. Reporter, will you read the question, please?

(The last question was read by the Reporter.)

A I wish the Court and jury to get all the facts from which to draw their conclusions.

MR. WRIGHT: May it please your Honor, will you please instruct the witness one more time to answer the questions I propound?

THE COURT: I have told the witness previously to answer the questions "yes" or "no" where he can. If he cannot do it he will have to say so. What was this period you are talking about down in Tennessee?

MR. WRIGHT: As he testified, in late 1940.

THE COURT: 1940?

MR. WRIGHT: Yes, sir.

W/b3

THE COURT: He was still then an officer of the Communist Party, as I understand it.

MR. WRIGHT: That is correct.

THE COURT: Very well. Can you answer the question "Yes" or "No" that you tried to persuade the Board to keep the Communist Party on the ticket?

THE WITNESS: Yes, I tried to persuade them to keep the Communist Party on the ticket.

MR. WRIGHT: Well, may it please Your Honor, that is not the pending question.

THE COURT: Ask your own question, then.

MR. WRIGHT: I wonder, Mr. Reporter, can you re-read it a third time for the witness, please?

(The previous question was re-read by the Reporter.)

THE WITNESS: He asked for the qualification, if I may, Your Honor.

THE COURT: Very well.

THE WITNESS: At that time I tried to give the Board a distorted and untrue picture for our purposes. Now I wish the Court and the jury to have all the facts about the Communist Party from which to draw their own conclusions.

Q (By Mr. Wright) Now, will you tell us what materials you took to Nashville, Tennessee, with you to make this persuasive effort at that time?

A The Constitution of the Communist Party adopted in

W/b9

1938 was one of the documents, and I don't recall the others.

Q Were there more than one other?

A Two or three others.

Q Is it that you don't recall because of the lapse of time again in this instance, Mr. Witness?

A Yes.

Q Did you turn the documents that you had at that time over to the Government officials that contacted you later?

A Yes, including the Constitution of 1936. I beg your pardon. 1938.

MR. WRIGHT: Will your Honor indulge me just a moment, please?

(There was a short pause.)

MR. BUCHMAN: Your Honor, we don't have available the transcript for this morning, and it has caused a good bit of inconvenience in preparing cross examination. It is only about five after 3:00. I hesitate to ask for additional time, but it would help us a great deal if we could have it.

THE COURT: I am afraid we will have to go on, Mr. Buchman.

MR. BUCHMAN: Now, Mr. Crouch, --

THE COURT: Pardon me.

MR. BUCHMAN: I am going to proceed now.

THE COURT: Is it not the plan that one lawyer --

W/b10

MR. BUCHMAN: No, we told Your Honor, if you recall, that we would distribute it but we would not be repetitive. In other words, we are several lawyers, but we will not cover the same ground.

To sum up, Mr. Crouch, --

MR. FLYNN: May it please the Court, when we do have rules it seems to me we ought to try to live up to them in some fashion. Now, my understanding was that one counsel was to cross examine witnesses unless some particular thing came out as to some particular defendant.

MR. BUCHMAN: There was no such agreement, Mr. Flynn.

MR. FLYNN: There was such an agreement in Judge Chesnut's office when we were all there. Don't tell me there was no such agreement. That was the agreement, and that was the understanding.

Do I understand that Mr. Buchman is going to cross examine this man only about any affairs as affect his client? I think that was understood, and Your Honor was there when the understanding was entered into.

THE COURT: Is that not right, Mr. Buchman?

MR. BUCHMAN: My understanding was, Your Honor, when we were all there that we informed you that the cross examination would extend over different territory, that the lawyers would not be repetitive, but that there would be more than one cross examining.

W/b11

THE COURT: Very well. Whatever the agreement was, it was not put in writing, and I do not wish to search my memory for it. Counsel have the responsibility of abiding by agreements that really were made. I am not sure just what the agreement was. I do hope, though, that for the purpose of sticking to the real issues in this case that you will not unduly protract the cross examination, especially where you have been an hour and a quarter, I believe, the cross examination for one witness.

12-3

What line of cross examination do you want to take up, Mr. Buchman?

MR. BUCHMAN: May I say, Your Honor, this witness has been on the stand one full day. We don't have the transcript for this morning's proceedings, and it seems to me that in view of the kind of witness, that we are entitled to the most exhaustive type of cross examination, and we have only been cross examining about an hour.

THE COURT: Very well. You may proceed.

CROSS EXAMINATION

BY MR. BUCHMAN:

Q Now, to sum up, Mr. Crouch, I think you have appeared for the Government and about six Government agencies and in 14 Immigration hearings; is that correct?

MR. FLYNN: May it please the Court, I object to that. There is no evidence of that in this case at all. It

/b12

is not cross examination.

THE COURT: I sustain the objection on that ground.

Q (By Mr. Buchman) On how many occasions have you testified for the Government in Immigration hearings?

A I have appeared on probably some 15 occasions in administrative hearings conducted by the Immigration and Naturalization Service.

Q And in how many cases have you appeared in Court?

A This is the sixth appearance in court since leaving the Communist Party, as I recall it.

Q And you are married, are you not?

A I am.

Q And your wife's name is Sylvia Crouch; is that correct?

A Correct.

Q How many times has she appeared as a witness?

A She has appeared in Court as a witness one time in the case of the State of New York, vs. the International Workers Order.

Q And what compensation did she receive for that?

MR. FLYNN: Now, I object.

THE COURT: I sustain the objection.

Q (By Mr. Buchman) Now, I believe this morning -- I don't recall the page and I can't refer you to it because I don't have it available -- you said you knew Al Lannon; is that

W/bak
13

correct?

A Slightly.

Q What do you mean by "slightly"?

A As a leader of the Communist Party but not as a personal friend and not as a very important leader at the time I knew him.

Q When you said you knew him did you mean that you had met him?

A I knew that he was a Communist leader.

Q But you had never met him; is that correct?

A I do not specifically -- I don't recall times or places so far as Mr. Lannon is concerned. I don't recall now.

Q When did you meet him?

MR. FLYNN: He said he does not recall.

A I don't recall.

Q (By Mr. Buchman) Now, all of your testimony that you have appeared in all of these hearings and other places, you testified concerning Marxism - Leninism; is that correct?

A Marxism -- what are you referring to? At these trials?

Q When you have appeared previously you have testified in connection with the Communist Party; is that right?

A If you will be specific as to time and place and circumstance.

Q At all these Immigration hearings in which you have

W/bl4

appeared?

A In the Immigration cases I testified regarding the problems of Marxism - Leninism - Stalinism.

Q In each of the instances where you received money as a witness it has been in connection with testimony you gave concerning what you knew about the Communist Party; isn't that correct?

A Please repeat that.

Q In every instance in which you appeared for which you were paid money as a witness you testified about the Communist Party; isn't that correct?

A For which I received witness fees or for which I did not receive witness fees I have testified regarding the aims of the Communist Party. There is no distinction in the matter of whether I received a witness fee or received no fees whatever.

Q Do you know of any case in which you did not receive any fees whatever?

A Yes, sir. In the great majority of cases where I testified before Government agencies, I testified more than 50 times before Senate and House Committees and before the State of California Legislature investigating Communism, and on many occasions I received no compensation, and on many other occasions I have received such compensation as \$4 or \$6 a day from California.

W/b15

Q That is all you received, four or six dollars a day?

A I received four when testifying before the Immigration and Naturalization Service; I received six dollars before the House Committee; when I was testifying at length before the State of California Legislature I received --

THE COURT: Mr. Witness, please stop. We have been over that. It is purely repetitive.

MR. BUCHMAN: I have been over that, yes.

THE COURT: Whether the examination is by one or two or three counsel, I think I will have to put an end to purely repetitive questions. If you have something new to bring out, that is all right.

MR. BUCHMAN: All right.

Q (By Mr. Buchman) Now, you have heard the expression "The Communist Party line", have you not?

A I have heard it only too often.

Q You have used it in your direct testimony, I think. Now, to what does that refer? Does that not refer to the Communist Party position on current issues affecting the immediate and day-to-day demands of the people?

A Not in the way you have formulated your question. Your question is extremely misleading.

Q Well, I asked you didn't the Communist Party during the time you were in it raise slogans and take positions with

W/b16

reference to immediate day-to-day issues, and that was what was known as the Communist Party line?

12-4

A No, that isn't the correct definition of the Communist Party line. Do you want me to state what the line was?

Q I am asking you if that is what you were told and what you practiced?

A Not as you formulated it.

Q How do you formulate it?

A The Communist Party line was the application of the aims of overthrowing and destroying and annihilating all democratic governments in accordance with existing situations by which local grievances could be exploited for the advancement of this ultimate aim. In other words, the local tactical position that best conforms to the immediate aims of Soviet conquest of the world.

Q You made that clear. Now, let me ask you this question: When you were in the Communist Party the Communist Party raised slogans and made platforms dealing with day-to-day issues; isn't that correct?

A Purporting to deal with day-to-day issues.

Q You can answer that question. Didn't they raise platforms and slogans dealing with day-to-day issues?

A Yes, with a qualification.

Q I know about the qualification, but your answer is

w/b17

"Yes", isn't that correct?

A Only with the qualification but not without the qualification.

Q I am asking you for your answer.

MR. FLYNN: Wait a minute. If there is a qualification I think the jury ought to hear the qualification.

THE COURT: What do you know about the qualification, Mr. Buchman?

MR. BUCHMAN: He has made it exceedingly clear in his direct testimony, the qualification.

THE COURT: Don't you know what it is?

MR. BUCHMAN: Let Mr. Crouch repeat it, then.

THE COURT: I thought you said you knew.

MR. BUCHMAN: From his previous answers.

THE COURT: I do not want to banty words with you. I think it is a matter that has not given any indication of having been presented yet. I do not remember anything in his direct examination about the Communist Party line, but I suppose anybody who reads the papers or hears anything over the radio or what-not has heard that expression at some time, but what significance has it in this case, or what significance has it in relation to anything that the witness has testified? That is what I do not see.

MR. BUCHMAN: Well, the purpose of what I am about to examine him on is to show exactly what he did and what the

W/b18

Communist Party did teach and advocate during this period when he made all these statements.

THE COURT: Have we not been over that completely in the last hour or so?

MR. BUCHMAN: No, we haven't even touched upon it at all, Your Honor.

THE COURT: What?

MR. BUCHMAN: We haven't even touched upon it at all.

THE COURT: What is your next question?

Q (By Mr. Buchman) Now, for example, in 1930 isn't it a fact that the Communist Party raised the slogan of "Organize the Unorganized"?

A They used it as an educational slogan.

Q Didn't they use that slogan?

A They used it as an educational slogan.

Q And isn't it true that at that time there was only a very small proportion of the American working class that was organized into the trade unions? Isn't that so?

A It is a matter of relativity.

Q Isn't it true that in the 30's that was so?

Answer "yes" or "no", please.

A I think it is still true in viewing absolute numbers.

Q In 1934 there were only three million organized workers; isn't that correct?

W/b19

MR. FLYNN: Now, may it please the Court, I don't see what that has got to do with the issue here, three million organized workers.

MR. BUCHMAN: Well, Your Honor, I intend to show what the Communist Party and he did on that line, on the line of Marxism - Leninism in that day, to refute his direct testimony.

THE COURT: To refute what testimony?

MR. BUCHMAN: In which he made these statements about force and violence, and so forth, and so forth.

THE COURT: If that is your point, why not come directly to it and ask him what you want about the Communist Party line, if you call it that, or program, as it has been referred to, contemplating the use of force and violence to accomplish its aim?

MR. BUCHMAN: I prefer to do it in my own way, Your Honor, with this witness.

THE COURT: Of course, I will give counsel an opportunity to develop their own line, but the trouble is you start so far off, Mr. Buchman. When the real thing is so obviously before us, why can you not come to it a little more precisely?

MR. BUCHMAN : Well, Your Honor, this witness, I think, began in 1925. I am starting in the 30's, and I want to show what was done in that period.

W/b20

THE COURT: You are starting with the question of what is the Communist Party line, and I don't recall anything in his direct testimony that was really significant about that. Suppose you try some other question. Let us see how that works.

MR. BUCHMAN: Your Honor, I don't want to object, but I do really feel I should be permitted to continue with this line of investigation.

THE COURT: Well, you can ask any question you want about this, then. Go ahead.

You asked me some time ago whether you could have a postponement for further examination of this witness.

MR. BUCHMAN: Yes, sir.

THE COURT: I said I wanted to go on with the Court's work. Now, if you would like to have this witness return to the stand tomorrow morning and you have some new points which you want to bring out, that is perfectly agreeable to the Court. We can go on with some other witness, the Government can.

MR. BUCHMAN: It will be very helpful, Your Honor. I can organize my cross examination and it will take much less time.

MR. FLYNN: May it please the Court, that puts us in a position where we don't at the moment have another witness to put on the stand, and we don't feel that we ought

12-5

W/b21

to be broken into on our evidence just because counsel wants to think up questions. We don't have a witness available at this time.

THE COURT: That was mentioned in Mr. Buchman's suggestion, that he would like to have time to organize his cross examination, and I am always desirous of assisting counsel where I can along that line, because the better thought out something is probably the less time it will take, but I do not want to fail to use the rest of the day, so you will have to go on, Mr. Buchman.

MR. BUCHMAN: That is extremely difficult.

THE COURT: There is nobody else apparently the Government can call at this time.

MR. BUCHMAN: As I say again, I don't even have today's transcript to look over and prepare cross examination.

THE COURT: I have nothing to do with that subject of the transcript.

MR. BUCHMAN: If Your Honor will just give me a few minutes, then.

(There was a short pause.)

Q (By Mr. Buchman) Now, Mr. Crouch, you were a member of the Communist Party in 1935; isn't that correct?

A That is correct.

Q Did you attend the Seventh World Congress of the Communist International?

w/b22

A No, I did not. I received reports on it from the delegates who did, but I did not attend.

MR. FLYNN: Mr. Crouch, will you please talk to the jury?

Q (By Mr. Buchman) Now, at that time the American Communist Party was formally affiliated to the Communist International; isn't that correct?

A It was.

Q Now, at this World Congress there were a number of resolutions adopted; isn't that true?

A Quite a number, yes.

Q There was also a speech made by Georgi Dimitroff; isn't that correct?

A Yes.

Q Now, the resolutions of that Congress were endorsed by the American Communist Party; isn't that correct?

A The American Communist Party as a matter of form endorsed the Seventh World Congress and its decisions.

Q I see. Now, do you recall seeing the speech of Mr. Dimitroff entitled "The United Front Against Fascism"?

A I remember reading Dimitroff's speech in the International press correspondence.

Q And wasn't that speech widely distributed throughout the United States?

A I presume it was.

W/b23

Q And wasn't that program of the Seventh World Congress in 1935 the basis up to the present time, or up to the time that you were a member of the Communist Party, the basis for its activities and daily programs, daily activities?

A Yes, as a matter of fact, the resolution adopted increased use of Aesopian language to the armed forces --

Q I didn't ask you that. I asked you whether or not that was the basis of the program of the Communist Party in the United States.

THE WITNESS: Will you repeat that question, please?

(The last question was read by the Reporter.)

A A "Yes" or "No" answer is impossible. It was the basis, combined with the program of the Sixth World Congress, its resolution of work in the armed forces, which was re-endorsed by the Seventh World Congress --

Q I understand that, Mr. Crouch, but isn't it true that in 1935 when the Seventh World Congress was meeting, that because of the existing conditions then that the Seventh World Congress took a new line, you would say?

A I would say it adopted certain strategic moves and, by Dimitroff's instructions to the Congress, adopted increased use of Aesopian language.

0 flws
3:33

Ows fls Wkr
3:20

1

Q (BY MR. BUCHMAN) Are you familiar with this, these speeches of Mr. Dimitroff?

A As I stated.

Q In here (indicating)?

A Not in that form as I recall. I read that in the International Press correspondence.

Q Mr. Dimitroff has reference to the United States in there, and I wonder if you would refer to page 39 and page 41?

A The United States of America --

MR. FLYNN: Just a moment. Are you offering that in evidence?

MR. BUCHMAN: I suppose I should.

MR. FLYNN: What is it?

MR. BUCHMAN: "The United Front Against Fascism" published by the New Century Publishers, the first edition 1935, seventh edition 1950, and it is a book of 144 pages, adopted by the Seventh World Congress of the Communist International, July 1925 to August 20, 1935.

Did I give the name of the publisher?

MR. FLYNN: New Century.

MR. BUCHMAN: New Century.

MR. FLYNN: Yes.

THE CLERK: Is that offered?

MR. BUCHMAN: I would like to offer that in evidence.

2

THE CLERK: Marked defendant's Exhibit 1.

(Book "United Front Against Fascism" was marked Defendant's Exhibit 1.)

Q (BY MR. BUCHMAN) Read that.

A "The United States of America. Let us take, for example, so important a country in the capitalist world as the United States of America. Three millions of people have been brought into motion by the crisis. The program for the recovery of capitalism has collapsed. Vast masses are beginning to abandon the bourgeois parties, and are at present at the cross-roads. Incipient American Fascism is endeavoring to direct the dissolution and discontent of these masses into reactionary Fascist channels. It is a peculiarity of the development of American Fascism that at the present stage it appears principally in the guise of an opposition to Fascism, which it accuses of being an 'Un-American' tendency imported from abroad. In contra distinction to German Fascism, which acts under anti-constitutional slogans, American Fascism tries to portray itself as the custodian of the constitution and 'American Democracy.' It does not yet represent a directly menacing force. But if it succeeds in penetrating

3

to the broad masses who have become dissolutioned with the old bourgeois parties, it may become a serious menace in the very near future."

THE COURT: Just a moment.

I think that is enough of that. I do not see the point of that, Mr. Buchman.

MR. BUCHMAN: The rest of it --

THE COURT: Is there more?

MR. BUCHMAN: It is only one page after that, only another page, Your Honor.

THE COURT: It might be helpful to the jury if someone would tell what Fascism is.

MR. BUCHMAN: Perhaps during the course of the cross-examination or direct examination we will get that into the record.

THE COURT: Well, it does not mean much to have the witness read something and tell the jury about Fascism without knowing what Fascism is.

MR. BUCHMAN: We will get that into the record, but I would like to proceed first on this.

THE COURT: All right.

Q (BY MR. BUCHMAN) Would you proceed?

A "And what would the success of Fascism in the United States entail? For the toiling masses it would, of course, entail the unrestrained strength-

ening of the regime of exploitation and the destruction of the working class movement. And what would be the international significance of this success of Fascism? As we know, the United States is not Hungary, or Finland, or Bulgaria, or Latvia. The success of Fascism in the United States would change the whole international situation quite materially.

"Under the circumstances, can the American proletariat content itself with the organization of only its class conscious vanguard, which is prepared to follow the revolutionary path? No.

"It is perfectly obvious that the interests of the American proletariat demand that all its forces disassociate themselves from the capitalist parties without delay. It must at the proper time find ways and suitable forms of preventing Fascism from winning over the broad discontented masses of the toilers. And here it must be said that under American conditions the creation of a mass party of toilers, a 'Workers' and Farmers' Party,' might serve as such a suitable form. Such a Party would be a specific form of the mass people's front in America that should be set up in opposition to the parties of the trusts and the banks, and likewise

to growing Fascism. Such a Party, of course, will be neither Socialist nor Communist. But it must be an Anti-Fascist Party and must not be an Anti-Communist Party. The program of this party must be directed against the banks, trusts and monopolies, against the principal enemies of the people who are gambling on its misfortunes. Such a party will be equal to its task only if it defends the urgent demands of the working class, only if it fights for genuine social legislation, for unemployment insurance; only if it fights for land for the white and black sharecroppers and for their liberation from the burden of debt; only if it works for the cancellation of the farmers' indebtedness; only if it fights for the equal status of the Negroes; only if it fights for the demands of the war veterans, and for the interests of the members of the liberal professions, the small businessman, the artisans. And so on.

"It goes without saying that such a party will fight for the election of its own candidates to local offices, to the state legislatures, to the House of Representatives and the Senate.

"Our comrades in the United States acted rightly in taking the initiative for the creation

6

of such a party. But they still have to take effective measures in order to make the creation of such a party the cause of the masses themselves. The question of forming a 'Workers' and Farmers' Party,' and its program, should be discussed at mass meetings of the people. We should develop the most widespread movement for the creation of such a party, and take the lead in it. In no case must the initiative of organizing/^aparty be allowed to pass to elements desirous of utilizing the discontent of the masses which have become dissolutioned in both the bourgeois parties Democratic and Republican, in order to create a 'third party' in the United States as an Anti-Communist Party, a party directed against the revolutionary movement."

Q That is all.

THE COURT: What is your question now about it, Mr. Buchman? What is your question?

MR. BUCHMAN: I will proceed now, Your Honor.

THE COURT: Well, are you reading it for the purpose of any bearing that it may have upon the direct examination?

MR. BUCHMAN: Yes, Your Honor, the whole point --

7

THE COURT: Well, what is it?

MR. BUCHMAN: This Seventh World Congress superseded the Sixth, the Sixth World Congress, and the program was never adopted by the Communist Party.

THE COURT: Well, are you offering that to contradict evidence in the record?

MR. BUCHMAN: Yes.

THE COURT: What was read?

MR. BUCHMAN: Yes.

THE COURT: Well, at the moment I don't see it.

MR. BUCHMAN: It refers to the question of Fascism, as was indicated.

THE COURT: You can devote some questions as to what is Fascism and what is a Fascist.

MR. BUCHMAN: We hope to develop it when I have time to get organized much better, if I am given time.

Q (BY MR. BUCHMAN) Now, this program of the Seventh World Congress was used as a basis for Communist Activity in the United States? Is that correct? Since 1935?

A No, in the way in which you asked the question, the Seventh World Congress dealt with the application of the Sixth World Congress program and the plans for action in the infiltration of the armed forces, specifically reported in the reports of Ercoli by the Seventh World Congress.

8

Q Point that out in that book.

A If you show me the full proceedings of the Seventh World Congress I will show it to you. That is only an extract.

Q That is a full speech of Mr. Dimitroff.

A If you show me the full proceedings I will show it to you where they endorsed this program, this program of the struggle against imperialist war and the tasks of the Communists and the whole program of infiltration into the armed forces, it was re-endorsed there.

THE COURT: Just a minute.

The proper use of cross-examination with regard to extracts from books not developed in the direct examination by the cross-examining lawyer where they are read or called attention to the witness and something is asked, certain questions are asked about it in relation to the direct examination. NOW the reading, what you have read, Mr. Buchman, does not seem to me to have any direct bearing upon any issue at the present time, unless you follow it up with some questions which do relate to the matter.

One question I suggest to you would be to develop what is meant by Fascism.

MR. BUCHMAN: Yes, all right.

THE COURT: That is a term which probably --

By Mr. Buchman:

9

Q Do you know, Mr. Crouch?

THE COURT: -- which all of us have heard, no doubt, but does not have any definite meaning, and probably means different things to different people.

MR. BUCHMAN: I will ask the witness that.

THE COURT: You read from a book which used the word "Fascism" possibly a dozen times, and I suggest that on the basis of that you might want to ask about the matter particularly where you have an extract from a book, as to just what is meant by the word "Fascism".

MR. BUCHMAN: I will ask the witness what he means by Fascism. This is prior to 1942.

THE WITNESS: At that time the Communist Party understood the systems of government of Italy and especially Germany, the Nazis being practically equivalent to the term Fascist or the term Fascism, and they meant the governments of those countries and other governments throughout the world in support of the government of Germany and Italy which the Communist at that time regarded as a military threat to the Soviet Union.

THE COURT: Well, for instance, is there any Fascist Party in the United States of America?

THE WITNESS: Is there now or was it then?

THE COURT: Yes, is there now or was there then?
I am asking for information.

MR. BASSETT: If Your Honor please, I would like to direct your attention to a decision in the Court, a New York Court, which refers to the Tool Owners Union, I believe, an incorporated group.

THE COURT: What is that? I do not hear that.

MR. BASSETT: Yes, it was referred to by that Court in the case. I do not have the citation but I can get it.

THE COURT: Is that a National Party?

MR. BASSETT: It is a National organization, if Your Honor please.

THE COURT: Perhaps you could have a definition of the term Fascism or Fascist if he might refer to some publicly known figure in the United States, Government or otherwise in any way who is referred to as a Fascist.

Q (BY MR. BUCHMAN) Will you refer to Mr. Dimitroff's definition on page 6?

MR. FLYNN: Are you referring to this book?

MR. BUCHMAN: Yes.

By Mr. Flynn:

Q Have you read this book? Have you read this book, Mr. Crouch?

A I never read the book but I read the speech. I don't know. I don't have any present recollection of reading that book or seeing that book, but I read the speech and I

11

think this purports to be a copy of it, of the Dimitroff report to the Seventh World Congress, which I read in an entirely different form.

MR. FLYNN: He is asking about page 6.

MR. BUCHMAN: Let me say this that this is the only copy I have and I could have a few copies, one for Your Honor so that Your Honor could follow this, but I did not have it in time.

Q (BY MR. BUCHMAN) Will you read page 6.

THE COURT: Just a minute. If you wish to read anything I think you can read it and then ask the witness questions about it which may be relevant to the direct examination. You read it to him and ask him about it.

MR. BUCHMAN: This is Mr. Dimitroff making this definition of Fascism:

o/bl
4

"Fascism in power is the open terrorist dictatorship of the most reactionary, most chauvinistic and most imperialist elements of finance capital."

THE COURT: In other words, do I understand you to mean that large finance in the United States is equivalent to Fascism?

MR. BUCHMAN: No, sir.

THE COURT: Well, I am not certain about what you mean. I am certainly confused about it.

MR. BUCHMAN: No, I am referring to the conditions there.

THE COURT: Where?

MR. BUCHMAN: At the time this was written, and he refers to, as was read from the proceedings, Mr. Dimitroff refers to incipient Fascism, which is Mr. Dimitroff's definition.

MR. FLYNN: Just a minute. Is that page 6?

MR. BUCHMAN: Page 6.

MR. FLYNN: It says, "Fascism in power is the open terrorist --"

MR. BUCHMAN: That is correct.

MR. FLYNN: "Open terrorist dictatorship of the most reactionary, most chauvinistic and most imperialist elements of finance capital."

MR. BUCHMAN: That is correct. That is what I read.

O/b2

MR. FLYNN: That is what that says, and if that is the definition of Fascism, certainly that is a new thing to me.

Q (By Mr. Bushman) Didn't Mr. Dimitroff point out that Germany was the most reactionary variety of Fascism at that time in 1935?

A Mr. Dimitroff referred to Germany as the center of world Fascism, as I recall it.

THE COURT: What did Mr. Dimitroff have to do with regard to the program of the Communist Party?

MR. BUCHMAN: If Your Honor please, with respect to what was introduced this morning was that there was a draft of resolution of the Sixth World Congress which this witness testified was the basis for the activity of the ^{American} Communist Party.

THE COURT: What was Dimitroff in that?

MR. BUCHMAN: This was the report adopted by the Communist International in 1937 at the time when the American Communist Party was affiliated.

THE COURT: The person named, Dimitroff, made some report which was adopted there?

MR. BUCHMAN: Yes, which is superseded --

THE COURT: Well, when was the next one after that?

MR. BUCHMAN: There wasn't any. That was the last World Congress. This is the Seventh.

0/b3

MR. FLYNN: May I point out, Your Honor, that this is not a report of the Seventh World Congress, but it says that it is "speeches delivered at the Seventh World Congress of the Communist International, July 25 to August 20, 1935 by Georgi Dimitroff," so it is just somebody's speeches.

MR. BUCHMAN: He was the president of the Congress. We have the proceedings in my office which are available.

Now, if Your Honor please, I would like to continue with this examination on a more organized basis but I did not have time to do it.

THE COURT: Pass to something else. Put your time in on something else.

MR. BUCHMAN: I would like to get it on an organized basis if I can.

MR. BASSETT: May it please the Court, I don't want to make any suggestion, but there is only 20 minutes left of the usual Court time, as I understand it, there are three or four more attorneys who would possibly wish to cross examine Mr. Crouch, and I want to ask a few questions here, and I believe counsel possibly could get the thing through much sooner if several attorneys could get together on the basis of this transcript, and I believe it would help to get it through sooner if we could adjourn now, of course, subject to Your Honor's wishes.

THE COURT: Well now gentlemen, I do not wish to be

O/b4

inconsiderate or arbitrary in cutting off counsel from a full cross-examination, but really it seems to me to be unreasonable to anticipate that three or four or five or six persons will cross-examine one witness. You should get together and agree to have somebody do it, and then in the event that some person omits some matters which is particularly peculiar to the special defendant whom he represents, he can supplement that by some additional questions.

Here we have had Mr. Wright cover the facts quite extensively in his cross-examination, and the questioning was then started by Mr. Buchman, and Mr. Buchman thinks he has a different point of view maybe, about it, but if all of you are going to go over the same ground with each witness, it just prolongs the matter interminably and it won't aid the jury with regard to a conclusion about it.

I think it would be much better in connection with your approach to the issue for you to agree among yourselves as to which person should cross-examine the witness, then supplement that only by a few other questions which are applicable to some defendant whose special relation to the case has not been covered by the one examining.

Now, Mr. Wright apparently was quite prepared to cross-examine the witness about a great many things, about his past services, his relation to the Government, and so on. It seems that was pretty fully covered by Mr. Wright.

0/b5

Now Mr. Buchman takes up the questioning and has a different slant on it.

Now, if anybody else wants to ask the witness a question and give Mr. Buchman an opportunity, as he says, to organize his further questioning, all right. Is there anybody who wants to examine this witness now?

MR. BASSETT: Yes, I would like to ask a few questions.

THE COURT: All right. Go ahead.

MR. BASSETT: I have not had a chance to discuss this.

THE COURT: Go ahead.

CROSS-EXAMINATION

BY MR. BASSETT:

Q Now Mr. Crouch, directing your attention to your testimony this morning in connection with the Voorhis Bill that you recall testifying about.

A Yes.

Q I believe you made reference to the convention and testified as to what took place at the convention. Were you present?

A Yes, I was present, a delegate and member of the steering committee.

Q Were you elected to that position?

A I was elected by my district as delegate to the convention, and appointed by Earl Browder, general secretary

0/b6

of the steering committee.

Q What was your district at that time?

A 1938 I was chairman of the district control commission, a member of the district buro of Alabama, Mississippi, and the Georgia district of the Communist Party.

Q Your answer to my question was Alabama, Mississippi and Georgia district?

A Yes.

Q Now, you testified, I believe, that you began to have questions about Communist policies and thinking in the early 30's?

A 1933 to be specific, yes.

Q What occasioned these misgivings?

A I was called to account before the conference before the Central Committee by Pat Twohey of the Central Committee.

Q Who?

A Pat Twohey, T-w-o-h-e-y, and I was charged with failure to expose President Roosevelt as a Fascist and enemy of the American people, who was leading America into Fascism, and I was charged specifically that in the issue of the Carbon Miners Journal that I edited at that time, a trade union journal, there never was filed a single denunciation of President Roosevelt edited by me.

I accepted these attacks in silence because I knew that to answer them publicly would be to invite removal

0/07

from positions if not expulsion from the Communist Party, which I did not at that time -- I was not ready for yet.

Q You indicated from your answer that in 1933 you were breaking away and yet you feared expulsion?

A I say, sir, in 1933 my view was about Communism, and in 1933 the Communist Party was all wrong in considering President Roosevelt as a reactionary Fascist an enemy of the American people because I had met Mr. Roosevelt. I had sat across his desk for a half day and I had an entirely different conception of Mr. Roosevelt from the Communist Party, but I knew that if I expressed that opinion to the Communist Party it would mean my removal from positions, and possibly expulsion, so I kept quiet.

THE COURT: What was that you said? You sat what?

THE WITNESS: I said I spent a half day across Mr. Roosevelt's desk.

THE COURT: You said something about if you said something.

THE WITNESS: I said that if I expressed those views publicly before the Party with regard to Mr. Roosevelt that the Communist Party would remove me from office and probably expel me from the Communist Party. They don't tolerate any opposition.

Q (By Mr. Bassett) All right. If as you testified you disagreed with the Communist Party, why did you fear to

0/b8

be expelled from it?

A Because I was still of the belief that the Communist Party after getting through seizing power in America in the revolution, shooting capitalists and top government officials would ultimately bring about a Communist society in which there would be or at least my grandchildren would be able to enjoy a society of peace and plenty in place of capitalism, and I thought this ultimate^{objective} of Communism was worth such sacrifices as civil war in America, revolution, and all that it involved.

Cvy
3:40

Cavey fs
Owens 345p

Q Was that failure true over the two or three years?

A In '36, for example?

Q Yes.

A In 1936 I knew that Bukharin and other associates of Lenin were framed and I knew the testimony was false. I knew of false arrests and alleged confessions on basic political principle, but again I kept silent because I knew if I said one word in support of Bukharin and the other associates of Lenin, who made the revolution, I would be immediately expelled from the Party - there was no question - and kept silent.

Q But even with all these hurtful things, these horrible things, in your mind, you still felt you did not want to be expelled from the Party?

A Correct. I still felt the ultimate objectives were worth it, including these extortions of confession, plus slavery and labor camps in Russia and all that I knew existed at that time.

Q In 1948, I believe it was, you said you actually broke with the Party, is that correct?

A Yes.

Q What was the thing even beyond all these horrors which you have enumerated which caused you to break at that time?

C 2

A The Soviet atomic espionage, the double-crossing of the United States and allies of the Soviet Union was the final straw and I became convinced then that the evils that Communism would bring about would be worse than the evils I still thought of as existing under capitalism. I didn't break with Marxism and it wasn't until 1948 that I was able to pull my mind from all this and I was ready to go to the Government and help save America.

Q You knew they were going to shoot all the capitalists in cold blood in 1933 and they were going to steal some secrets, you say, in 1942 and stealing the secrets was worse than shooting all the capitalists in cold blood.

MR. FLYNN: I object. It is not at all a fair summation of the answers.

Q (By Mr. Bassett): Can you comment on the apparent lessening of cause rather than increasing the cause?

A I would be glad to. I think that even worse than the false confessions of the Russians like Bukharin and others, when Russia stole the atomic bomb, which enabled them to start this war in Korea and which threatens at this very moment every city in the United States, to bring about the destruction of civilization as the Communist Party carried on in 1941, 1942 and 1943 at Alameda, California, it is because of that espionage of the Communist

C 3

Party then that so many thousands of Americans have been killed in Korea and so many unnecessary widows in America, Yes, I consider that worse.

Q You have said so many things, it is difficult to question you. The atomic bomb which threatens every city in the United States, what is the basis for that particular knowledge, Colonel?

A In 1941, when I arrived in California, there was a special secret section of the Communist Party under my jurisdiction with units at the Radiation Laboratory and later one was formed at the Shell Development, which, as is public knowledge now, was working on the atomic bomb at that time. I knew they were so engaged.

Q Who is "they"?

A They were the scientists, the top American scientists employed at the Radiation Laboratory and Shell Development were then working on the development of the atomic bomb and at that time the Communist Party maintained a section with such secrecy that when I went to address a meeting in July, 1941, I was taken by the most round-about way to a private place, where I gave my report and was taken away and so on and this was also - I was regarded with such importance that Marcel Scherer, who since 1928 had headed the Communist Department among scientists, created in 1928 for two purposes; 1, to get the Soviet

C 4

Union into the most important scientific discovery in America, civilian and military, and 2, organizing as many sections into the Communist Party as possible with the view to crippling this country in time of war.

He came out to California in the early fall, late September or October, 1941, and took personal charge of top men, and he was the top man in connection with scientific espionage work in the Communist Party.

As a result of this, I knew that the Communist Party's national leadership attached the greatest importance to this work and my suggestion for relaxation of secrecy of the special section was rejected quickly by Schneiderman, the district organizer in California. There could be no question of my knowledge of this apparatus and this special section, which was under my jurisdiction in Alameda County, and it was for the purpose of stealing top secrets from America -

Q Do you remember the question I asked you?

A On what evidence -

Q How did you know the atomic bombs threaten every city in the United States? Is that how you knew it? You made a very long exposition and I didn't bother to interrupt you. Is that how you knew it?

A That is how I knew the bombing situation that today threatens Washington, Baltimore, Philadelphia,

C 5

New York, every important major city in America, with possible destruction from the Soviet Union, which is now out to conquer the last foot of the earth.

Q Is that how you knew it? You still haven't answered my question. I just want to know on what basis. You are a military officer and I ask you how you knew they are prepared to bomb every city in the country.

MR. FLYNN: I object to that question.

THE COURT: Mr. Bassett, if you wish to pursue it, you may do so.

A O. K. First of all, how I know the atomic bomb threatens every major American City today, first of all because the documents of the Communist movement, some of which have been introduced here and some of which have not. For example, the Foundations of Communism state the absolute necessity - rather the absolute impossibility of permanent peace between the Communist and Capitalist Worlds. They state the inevitability of armed seizure of power, of a world Soviet Republic established through rebellion, civil war and world struggle.

I know it because of my discussions on Communism, where I met with Red Army officers and discussed in minute detail infiltration of the American Army and how to bring about dissatisfaction and all those things, and then through my experience as a top official of the Communist

C 6

Party until 1942, every act of the Communist Party in this country was based on how it would help bring about a Soviet world .

I described what took place in 1941. Following this, in Europe after the war, the Soviet Union betrayed all of its promises at Yalta, Hungary, Bulgaria, Poland, Czecko-Slovakia and after the seizure of that country, I became convinced that World War was not a matter of distant future but immediate future, and it was right after that that I went to the Government and offered my aid and recently the Soviet Union and Army of North Korea in furnishing planes every day, Soviet planes are shooting down American flyers on the battlefields of Korea and the Soviet Union is furnishing the pilots that are killing American soldiers there, and any informed person certainly knows, who is not completely blinded by Communist propoganda, the Soviet Union is now out to conquer the entire world with weapons, which is admitted by the Soviet Government and constitutes a threat to every life in here, including the Communists.

(By Mr. Bassett): Now, Colonel, after you get back, you testified you devoted hundreds of hours in giving testimony to the Government of the United States. Did you ever testify to the members of the War College in Washington? Did you ever appear before the Staff of the War

C 7

College?

THE COURT: Mr. Bassett, I think that field has been pretty well covered by Mr. Wright and I think I must suggest to you that it is apparently exhausted on cross-examination.

There is one question that occurred to me from point of time with regard to the witness' last series of answers. I understand that you say that you finally decided to leave the Communist Party or at least you did not actually leave until 1947, is that correct?

A I considered - the last time I ever paid dues to the Communist Party was in 1942. Without solicitation on my part, they sent me a book in 1943, which I turned over to the House Committee without any dues stamps. They sent me a card in the Political Association. In 1947 they gave my daughter a membership book made out in my name to give to me -

THE COURT: All right.

THE WITNESS: And I tore it up and threw it in the waste basket.

THE COURT: All right, I didn't want too much detail about that. I was connecting your comments about the stealing, as you put it, of the atomic bomb secrets with the date which you have - I think you testified 1942 you were no longer an active member of the Communist Party.

C 8

THE WITNESS: Yes, in connection with this espionage which I knew was going on.

THE COURT: The question I want to ask you, did you know anything about espionage in relation to the atomic bomb as early as 1942?

THE WITNESS: I knew that top Communist scientists were working on atomic fision and matters dealing with it, nuclear physics, radiation and that some powerful weapon was being developed.

THE COURT: When you say "Communist scientists", do you mean American?

THE WITNESS: Americans or foreign-born scientists of American naturalization, I believe foreign-born.

THE COURT: You refer to those who were working on the plan for America or -

THE WITNESS: For America, employed by the U. S. Government.

THE COURT: You knew that in 1942?

THE WITNESS: Yes.

THE COURT: And you understood that espionage was designed by the Communists with regard to learning these things by irregular means?

THE WITNESS: Yes, I knew from the set-up and from the presence of Marcel Scherer and the way it was set up, that this was the purpose surrounding that special

C 9

section.

Q Who is this?

A Marcel Scherer.

THE COURT: Who is he?

THE WITNESS: One of the most important Communists in America, who, since 1928 has been in charge of a special department which works among scientists on work in America.

THE COURT: Is he still in America?

THE WITNESS: Still in New York, active in the Communist movement at the present moment.

THE COURT: Our time for today has expired.

I would really request counsel for the defendants, before the next session of the Court, to get together on some plan which would avoid repetitious cross-examination. I am not making that suggestion in the interest of anything except the full development of the truth of any particular issue. I do not want for a moment to limit any pertinent cross-examination which may develop something which really bears on the truth of the issues before us, but I do think it would be to the interest of both sides if the time that we are spending on this case, a good deal of it - I am not criticising anything and not saying it is for the defendants any more than for the Government, but we should endeavor to restrict the testimony to things that

C 10

are really important to the issues that have to be determined. Now, I am going to ask counsel for the defendants to cooperate with me in developing a plan which will not unduly protract cross-examination.

You are excused, ladies and gentlemen of the jury, until tomorrow morning at 10 o'clock.

Do not discuss the case nor express any opinions about it out of court.

(Thereupon, at 4:05 P. M., an adjournment was taken until tomorrow morning at 10 o'clock.)

I certify that the foregoing is a true and correct transcript of the proceedings in the above case.

Francis J. Jones

Leroy Walker

Charles G. Cavers

Official Reporter.