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O. Barry Dickel

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. 15500
Criminal No. 22322

TRANSCRIPT OF PROCEEDINGS

Before
HON. W. CALVIN CHESNUT
Judge

Thursday, March 13, 1952

Volume IV

(Page 602 to page 797)

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>	<u>Redirect</u>	<u>Recross</u>
Paul Crouch	-	610(BA) 617(BU)	628	653(BA) 655(W)
John Lautner	662			

EXHIBITS

<u>Government No.</u>		<u>Page</u>
15	Minutes of Bureau of National Exec. Comm. of Young Communist League	635
16	1938 Constitution of Communist Party USA	637
17	Daily Worker May 24, 1945	672
9	"Imperialism-Highest Stage of Capitalism"	647
18	Daily Worker, June 4, 1945	723
19	Daily Worker, June 22, 1945	726
20	Daily Worker, June 23, 1945	732
21	"The Struggle Against Revisionism"	736 745
22	Daily Worker, July 30, 1945	745
23	Outline, "Fundamentals of Marxism"	764
4	"The Communist Manifesto"	769
5	"State and Revolution"	780
,6	"Problems of Leninism"	795

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

Baltimore, Maryland
Thursday, March 13, 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

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PROCEEDINGS

(The Clerk called the names of the jurors.)

THE CLERK: The jury called, sir.

THE COURT: Proceed.

MR. WRIGHT: Prior to the commencement I would like to make a request or make inquiry of this Court to the effect that on next Monday next, which will be March 17th I am scheduled to appear to argue a case before the United States Court of Appeals for the District of Columbia, and I wonder in view of that commitment what disposition I can make in order to be absent on that day?

THE COURT: Well, it is agreeable to me for you to be absent if you think your duty to your client does not require you to be here. Ordinarily if there were but one party to the case the Court could interrupt the trial, I would be glad to postpone it then, but I can't very well interrupt a long trial like this on that ground.

I would suggest for that day you make arrangements with Mr. Buchman or Mr. Bassett or Mr. Braverman to act for your client in the particular matter.

MR. WRIGHT: I am willing to abide by the Court's suggestion, but however, under the circumstances, since the Court is one of appellate jurisdiction which supersedes this, I don't think it would be desirable for me to be here, but since it is physically impossible and Your Honor does not

O/b2

see fit to grant a postponement in view of that --

THE COURT: No, I don't think I can interrupt this trial of this case involving a great many parties because you find it is inconvenient to be here on a particular day especially when there are three or four other counsel here and I am not aware of any particular exigency as to your particular client.

You have not made an opening statement yet with regard to your client although you actively participated in the cross-examination of this witness. I do not think it is reasonable to ask that this case be postponed for your professional engagements elsewhere.

MR. WRIGHT: Very well, Your Honor.

There is one other matter I would like to call your attention to --

THE COURT: Is it not possible for you to arrange with Mr. Buchman or Mr. Bassett or Mr. Braverman that anyone of them will make any objections that are necessary? Or perhaps for that particular day Mr. Flynn might not introduce evidence particularly with regard to Mr. Wood, if it is possible to arrange it.

MR. FLYNN: We will do that if it is possible, yes.

MR. WRIGHT: I am perfectly willing to abide by Your Honor's disposition.

There is one other matter that I would like to call

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to Your Honor's attention. The other matter that I would like to call to your Honor's attention is this that on yesterday in view of the highly inflammatory remarks made by the witness at the close of the day, highly prejudicial in nature and in no wise identified or connected with the defendant Wood that any of his remarks with respect to him, I move that those remarks be stricken and the Court instruct the jury to disregard them in so far as the interests of the defendant Wood are concerned.

THE COURT: Well, of course there was no special reference made to Mr. Wood.

You should, I think, bear in mind that there are two questions in this case up to the present time. One is first the underlying question as to whether this program of the Communist Party in America in the years involved in this indictment, the later 40's and 50's perhaps to overthrow the Government of the United States by force and violence. Now, that is the first question.

The evidence yesterday of this witness was, as I explained to the extent that it is relevant at all, directed to that question. If the Government establishes as the result of the whole trial the affirmative of that issue, then the next important question will be, are the defendants in such situation that they are parties to this matter knowingly.

Now, on that, of course, there must be evidence

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as to each of the defendants. So far the evidence of this witness was related only to one of the defendants. Apparently he is known only to one of the defendants, and that is Mr. Frankfeld. Nothing has been said about Mr. Wood up to the present time.

Now, with regard to your motion to strike it out with regard to Wood, the remarks or answers or statements made by the witness yesterday, as they did not refer to Wood, I see no occasion for striking them out with reference to Wood. On the particular issue that was being considered, I don't think that I can strike it out because they were responsive answers to questions asked on cross-examination. So I overrule your motion to strike out what the witness said yesterday.

Go ahead.

MR. WRIGHT: I wonder if you would rule on the motion to instruct the jury to disregard the remarks in so far as the defendant Wood was concerned?

THE COURT: They did not relate to Wood, and they are on the other issue in the case.

MR. WRIGHT: I grant that, and in so far as they did not relate to Wood, I think that should be called to the attention of the jury.

THE COURT: To the extent, if any, that they are relevant to Mr. Wood, the motion is overruled, Mr. Wright,

0/b5

because what the witness said was in reply to questions under cross-examination by counsel.

I don't know whether you asked the question or whether Mr. Buchman asked the question, but he was asked a question on the cross-examination and it was in reply to the issue on which it bears, and I will not strike it out.

I give you an exception.

Proceed. Who is to examine the witness further this morning?

MR. BUCHMAN: Mr. Bassett wants to conclude his examination of yesterday, and then I have a very brief cross-examination this morning.

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Thereupon

PAUL GROUCH

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

Cavey vs
Owens
10:10

(CROSS-EXAMINATION -continued)

By Mr. Bassett:

Q Directing your attention to the testimony which you gave yesterday or to that portion of it dealing with your arrival in California in 1941, where you stated that there was an espionage unit spying on the top American scientists who were working on the atom bomb, tell us when in 1941 that you arrived in California?

A May 1st.

Q Now, were those espionage activities going on then? Had they already been stealing some atomic information?

A On May 1st there was an organization at the Radiation Laboratory at the University of California, where research was going on in connection with the atomic bomb at that time.

Q Well now, as a matter of fact, don't you know it is a matter of common knowledge that the first nuclear reaction and fissure of uranium did not take place until December 2nd, 1942 and that it did not take place in California but at the University of Chicago? Do you know the answer to that question?

A Well, the first -

Q Do you know that, yes or no, do you know that?

A I can't answer that with yes or no.

C 2

Q I asked a simple question that will take yes or no.

MR. FLYNN: You went off into the University of Chicago and other places and I don't know how you can get a yes or no answer to that.

MR. BASSETT: It is a matter of common knowledge.

THE COURT: If it is common knowledge, why bother with it.

THE WITNESS: I can not answer that with yes or no. The question, as you state it, insofar as the tests are concerned, I believe are correct. However, the preliminary work which made this possible was carried on at the Radiation Laboratory, which is equipped with a cyclotron, where the experimental work was done leading up to the larger scale work in 1942 and still larger in 1943, but the experimental work which was the foundation was going on in the Radiation Laboratory in California.

MR. BASSETT: If Your Honor please, I ask that judicial notice be taken of the fact recorded in the World Almanac that the first nuclear chain reaction of uranium was at the University of Chicago and took place on December 2nd, 1942.

MR. FLYNN: I don't see how that has a thing in the world to do with this. This man testified this work was being done in California in 1941 on a certain problem.

C 3

If some additional work was done in 1942, I don't see how that has anything to do with it, nor how the Court can take judicial notice of it and that is not what this man testified to.

THE COURT: Is there anything before the Court?
I think not.

Q (By Mr. Bassett): In view of the conflict as to your testimony, did you testify - and I quote -

MR. FLYNN: What conflict? I object to that?

THE COURT: If you object to the question, I sustain your objection.

Q (By Mr. Bassett): Did you testify yesterday that the basis of your decision finally to leave the Party was "when Russia stole the atomic bomb"?

A That was -

Q Did you so testify?

A That was the substance of it. I don't recall the words but that was the essence of it. That was the final straw.

Q Thank you, you have answered the question. If the American scientists who invented the atom bomb first established the nuclear reaction which was the basis of the subsequent development of that bomb in 1942 and you testified that in December, 1948, you testified the Russians stole the bomb in 1942, causing you to leave the Party, and

C 4

and that was the result of agents under your direction, I have to ask you -

MR. FLYNN: I object to that question. Up to now, the testimony has been so far - there is nothing in here to justify that question and I object.

THE COURT: I sustain the objection.

Gentlemen, I may make this observation. I was looking over some of the stenographic report yesterday and possibly quite unintentionally on the part of everybody, there was, there seemed to me, an unnecessary amount of comment or argument or what-not over the introduction of evidence. I, myself, try to be governed by the rules of evidence. I think it takes too much time in the progress of the case to continue to do it and unless there is some very special reason, I shall not undertake to give the reasons for each particular ruling. I will just state that I overrule or sustain the objection, as the case may be, unless there is some very good reason to the contrary.

Let's try to get on by counsel asking the questions and the witness answering them if he can without other than objections if counsel feel it necessary to make them, and simple rulings by the Court.

Go ahead, Mr. Bassett.

MR. BUCHMAN: May we state the ground or just

C 5

say "Objection" and let it go at that.

THE COURT: Unless there is some particular or unusual ground, the objections to evidence - I am quite afraid I am violating my own rule again, but explaining to you why the rules of evidence exclude certain forms of evidence in jury trials, the purpose is to give the best evidence possible to a jury. Hearsay is generally excluded because there is no opportunity to cross-examine the person who makes the statement.

Other objections are largely related to the question of whether they are relevant to the issue before the jury and on that question, you have to take the judgment of the trial judge and, of course, the possibility that he is making a mistake, but questions ordinarily have to be decided by the Judge without any long statements of the reasons for it.

Your particular question, you can just object without stating the grounds. If there are unusual grounds other than those I have indicated, generally are lack of relevancy and so on, why, yes, I would appreciate counsel calling my attention to, but to make arguments on every question of evidence or many questions of evidence seems to me to be just a waste of time or at least an unnecessary consumption of time in what otherwise is apparently anyhow a rather lengthy case.

C 6

Now, I think I have answered your question, Mr. Buchman.

MR. BASSETT: Did you sustain the objection to the last question?

THE COURT: I did.

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MR. BASSETT: If Your Honor please, did you sustain Mr. Flynn's objection?

THE COURT: Did I do what?

MR. BASSETT: Did you sustain Mr. Flynn's objection to the last question?

THE COURT: I did.

Q (By Mr. Bassett) In your testimony dealing with espionage activities in California I believe you indicated that some professors there were involved; is that correct?

A Yes, I did.

Q Can you name a single professor from that institution or any other atomic project that has ever been convicted of espionage?

MR. FLYNN: Oh, I object to that.

THE COURT: Overruled.

A I think the Statute of Limitations had expired.

Q (By Mr. Bassett) Answer the question.

A I don't know of any conviction in connection with atomic bomb except --

Q Thank you. You have answered the question.

Now, did you report the information that you have given the jury yesterday to the FBI?

A I did in great detail, far greater detail than I gave here, naming names, places, dates, etc., and going with the FBI to --

#/b2

Q Thank you. You have answered the question.

A -- places where they were held.

Q Thank you. You have answered the question.

Now, dealing with your reports to the FBI in connection with the espionage activities of the professors, in what year did you make those reports?

A 1948, 1949, 1950, 1951, 1952.

Q Thank you. Have you ever testified under oath about visiting a psychiatrist in connection with mental disorders?

MR. FLYNN: What is that?

MR. BASSETT: I was asking the witness if he has ever testified under oath about visiting a psychiatrist in connection with mental disorders.

MR. FLYNN: Object to the question. I don't know any reason for it.

THE COURT: The objection is sustained.

Q (By Mr. Buchman) Mr. Crouch, I think you testified on page 329 in reference to when you were in the U. S. Army in Hawaii, and I read from page 329 of the transcript:

"I did not agree with the complete program on certain matters until I was in the U. S. Army in Hawaii. In 1924 and 1925 I organized a Communist organization called the Hawaiian Communist League in the Army, together

W/b3

with Walter Trumbull and other soldiers. We were court martialled."

That organization had nothing to do with the Communist Party; is that correct?

A It had no organizational connection with the Communist Party.

Q That was simply an affair of your own that you organized?

A It was an independent organization based on Communist principle and Communist theory but was not organizationally connected with the Communist Party of the U.S.A.

Q It was not based on any letter or information or anything you had received; it was strictly your own venture; isn't that correct?

A It was --

Q Answer "yes" or "no", please.

A The answer is "no" with a qualification. May I state it?

Q If Mr. Flynn wants to bring it out he may. Now, let me ask you several other questions.

MR. FLYNN: I think he can state his qualifications. It is not up to me to develop any qualification he has for an answer to a question. Go ahead and state your qualification.

W/b4

THE WITNESS: The qualification --

MR. BUCHMAN: Just a minute. Just a minute. I find my question is fully answered. I don't want any diatribe.

MR. FLYNN: May I address the Court, please?

THE COURT: What do you want to say, Mr. Flynn?

MR. FLYNN: I want to say this, sir: I have no intention of side tracking here, but I do think that the witness is entitled to give a full and complete answer to any question, and when he answers "yes" or "no" with some qualification, I think he is entitled to give that qualification, and I think it is not up to me to cross-examine him again to find out what that qualification is.

THE COURT: That is quite right as a matter of rule of evidence. The witness is entitled to answer in his own way if his answer is responsive to the question.

THE WITNESS: I was influenced greatly by the fact that I was a subscriber to the Daily Worker, the official organ of the Communist Party of the U.S.A. at that time, that I received copies of Pravda from Moscow which were translated by a Russian soldier in our group, and by my background of study of Communist literature.

Q (By Mr. Buchman) What year was that?

A The court martial was in April. The organization of the Hawaiian Communist League took place in February, 1925.

W/b5

and the court martial in April, 1925.

Q Now, you testified, I believe, in Pittsburgh, Pennsylvania, in the trial of Commonwealth vs. Nelson, isn't that correct, on May 1, 1951? I want to read you your testimony at page 5459 and ask you if you didn't so testify:

....
"Mr. McTernan: Now, when you were court martialled, Mr. Crouch, you were not a member of the Communist Party, were you?

"Answer: I was not.

"You had no affiliation or connection of any kind with the Communist Party, did you?

"Answer: No organized affiliation.

"That is what I am asking you about. You were, in your own words, just a sentimental young idealist at that point in your life, weren't you?

"That's right.

"You had no plans to infiltrate the United States Army on behalf of any organization at that time, did you?

"Yes, I did have.

"These were your own personal plans, were they?

"I myself, Walter Trumbull, Nejo, and other associates.

"None of you, or at least you, at that time had no organizational connection with the Communist Party or any institution or agency of it?

"I did not and so far as I know none of the

W/b6

others did.

"You and these others formed this thing you called the Hawaiian Communist League in your own way?"

"That's true.

"Not as a result of any letters that came to you from any organization?"

"That is absolutely true.

"In particular, not as a result of any letters that came to you from the Communist Party?"

"That is correct.

"Or the Communist International?"

"That is correct."

Did you so testify?

A I did.

Q Now, on page 331 of the transcript you said in this case:

"And I went on a speaking tour under the auspices of a Communist Party subsidiary, the Anti-Imperialist League, ..."

You so testified; is that correct?

A Correct.

Q Now, as a matter of fact, a member of the Secretariat at that time was Roger Baldwin, Director of the American Civil Liberties Union; is that not correct?

A I have no knowledge --

3-2

W/b7

Q Answer that "yes" or "no."

THE COURT: Wait a minute. You must give the witness an opportunity to answer. You cannot properly fire a long question at him, then when he starts to answer say to him, "Answer 'yes' or 'no'." I have no doubt it is a little hasty on your part, Mr. Buchman, but that is not quite right. Now, the witness started to answer the question. You did not let him answer.

MR. BUCHMAN: The reason for my doing so is, Your Honor, that I don't want a repetition of what has occurred in answering previous questions by this witness.

THE COURT: I am not going to make any comment on that, Mr. Buchman, but I merely rule that you must let the witness answer the question.

Now, Mr. Stenographer, read the question to the witness, and the witness will please answer.

(The last question was read by the Reporter.)

THE COURT: Answer the question if you can.

THE WITNESS: I have no knowledge as to whether Mr. Baldwin was secretary or not at that time, that is, in 1927.

Q (By Mr. Buchman) His name was on the letterhead; isn't that correct?

A I do not recall.

Q Now, wasn't Scott Nearing, the well known pacifist,

W/b8

also a member of the national committee of that organization?

A I will have to answer from my knowledge as of 1928. A year later Mr. Nearing while a member of the Communist Party was national chairman and I was national secretary. Mr. Nearing was in the Communist Party at that time, for your information.

Q As a matter of fact, Mr. Nearing was never a member of the Communist Party; isn't that correct?

A That is absolutely false. Mr. Nearing was a member of the Communist Party. I do not believe Mr. Nearing would deny it.

Q Was a member --

MR. BUCHMAN: I move that that last remark be stricken.

THE COURT: Overruled.

Q (By Mr. Buchman) Now, also a member of that committee was Arthur Garfield Hays, then and now general counsel of the American Civil Liberties Union; isn't that correct?

A I do not know about 1927. I can testify on 1928, but I cannot testify regarding officials of the American Civil Liberties Union in 1927, except Mr. Gomez, the head.

Q And there were also some other Communists on that; isn't that correct?

A I cannot recall the names in 1927. I can answer with

W/b9

respect to the names in 1928, if you wish to ask about that.

Q When was that speaking tour?

A 1927.

Q All right. I think, Mr. Crouch, you have testified that you are an expert on Communism and you are familiar with doctrines of Communism and Marxism - Leninism and the literature. You testified here previously to that effect; is that correct?

A I have testified in substance that I have devoted 35 years of my life to an extensive study of Marxism - Leninism. Whether it makes me an expert or not I will leave it to the Court and jury to determine.

Q You have read all of the literature on the subject?

A No.

Q You have read most of the literature on the subject?

A I have read the basic classics and as much as possible at the present time I devote two to three hours a day to the reading of the current Communist publications, and even with that I cannot keep up with the volume.

Gv Owens
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Q Are you familiar with the Schneiderman case?

A I know the general background.

Q I see.

A I am not familiar with the legal and technical details of it.

Q That was a case in which the United States Government attempted to deport William Schneiderman on the ground of his attachment to --

MR. FLYNN: Objection.

THE COURT: I sustain the objection.

MR. BASSETT: He did not finish the question.

Q (BY MR. BUCHMAN) Did you read the decision in that case?

A No.

MR. FLYNN: Objected to.

THE COURT: I sustain the objection.

I will say to you, Mr. Buchman, that I think it is wholly apart from any issue in this case on the subject of any cross-examination that I can see. Therefore, I think it is irrelevant and that is the reason I sustain the objection.

Please proceed.

Q (BY MR. BUCHMAN) I think you also testified yesterday concerning the Moscow treason trials?

A That is right.

MR. FLYNN: No.

MR. BUCHMAN: Yes he did.

MR. FLYNN: Excuse me.

THE WITNESS: On cross-examination, yes.

Q (BY MR. BUCHMAN) In that connection did you follow the reports of the trial by Walter Duranty the Moscow correspondent of the New York Times?

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

THE COURT: I sustain the objection.

Q (BY MR. BUCHMAN) By the way, when did you learn that you were going to testify in this case, Mr. Crouch?

A Sometime during the fall -- some months ago. I don't recall how many months ago.

Q Were you told who the defendants in the case were?

A It was a matter of general knowledge. The names were reported in the press.

Q You knew Mr. Frankfeld was a defendant in this case?

A I did, yes.

Q Now, I don't recall whether you testified as to the amount of compensation you received from the Federal Government during the years 1948, 1949 and 1950.

MR. FLYNN: I object to that.

THE COURT: I think the witness has been quite extensively interrogated on that yesterday by Mr. Wright, and I think your examination of it would be mere repetition.

3

For that reason I sustain the objection unless you have some new fact to bring to the attention of the Court.

Q (BY MR. BUCHMAN) You testified you were at the National Nominating Convention of the Communist Party June 28, 1936.

A Yes.

Q This is the election platform that was adopted at that convention, is it not (handing paper to the witness)?

A It is.

MR. BUCHMAN: I would like to have this marked for identification.

THE CLERK: Defendants' Exhibit 2 for identification.

MR. BUCHMAN: May I just read the title of that into the record. "Communist Election Platform, 1936, ratified by the National Nominating Convention, Communist Party, U.S.A., held at Madison Square Garden, New York City, June 28, 1936."

(Booklet "Communist Election Platform, 1936" was marked Defendants' Exhibit 2 for identification.)

THE COURT: Had you concluded your cross-examination, Mr. Buchman?

MR. BUCHMAN: Just one minute and I think I have, Your Honor.

That is all, Your Honor.

THE COURT: Any redirect examination?

MR. FLYNN: Yes, Your Honor.

REDIRECT EXAMINATION

By Mr. Flynn:

Q Mr. Crouch, yesterday you were questioned rather much about whether you were a Colonel. A great many questions were asked you as to whether you were a Colonel. I believe you were referred to as a Colonel and I want to --

(Mr. Flynn handed a paper to Defendants' counsel.)

Q (BY MR. FLYNN) This is a rather old paper, but I would like to ask you to look at this paper and tell the Court and the Ladies and Gentlemen of the jury what it is.

A This is a copy of the "Daily Worker", the official organ of the Communist Party of the United States for Tuesday, May 1, 1928.

Q I want to show you this and see whether you can identify that as having been published in this paper. By the way, what is this paper, the Daily Worker?

A It is the official daily paper of the Communist Party of the United States of America.

Q Do you identify that?

A Yes, I do.

Q Is that your picture?

A Both are my pictures in grey army uniform, one alone and one in the group picture.

Q That was published in the daily paper of the

5

Communist Party as ^{of} Tuesday, May 1, 1928?

A Yes.

MR. FLYNN: If Your Honor please, I would like to offer this in evidence but I would like to substitute a photostatic copy. This is a very old paper, and it is falling to pieces, but I would like to introduce it.

THE COURT: Is there any objection?

MR. BASSETT: If Your Honor please, if we be permitted to follow immediately with recross-examination of the particular picture because there may be some very important things as to what the picture actually shows.

THE COURT: Well, the paper will be introduced at the moment, and the point of Mr. Flynn's remark is that he would like to withdraw the original because it is a very old paper, possibly the only copy he has available.

MR. BASSETT: If Your Honor please, I can certainly sympathize with that thinking and I would be quite inclined to agree with it but we would like to cross-examine on that particular picture with respect to what can be seen in the picture and there may be some things which don't show.

THE COURT: I am not sure I know what you are talking about or the point that you are making.

Let us go on. The pictures or papers are introduced in evidence.

(Part of paper, "Daily Worker",
May 1, 1928 was marked
Government's Exhibit 14.)

Q (BY MR. FLYNN) Mr. Crouch, can you tell us when and under what circumstances that picture was taken, when it was taken, and by whom?

A The picture was taken by Red Army Officers at the Budenny Division of the Red Army in the City of Tombov in the Soviet Union in February 1928 when I headed a delegation of the Young Communist International which is a division of the Red Army.

Q And the picture, there are two pictures one of you by yourself and then a picture of a group of people apparently in army uniforms. Can you identify who they are and when the picture was taken and where?

A This picture was taken, as I said, in the City of Tombov, and as the caption shows, accompanying me in the group picture is the German Communist Youth Delegate representing the Young Communist League of Germany traveling with me, and the others are Red Army soldiers who were welcoming me, and the other picture is a picture alone taken at the same time and place.

THE COURT: I suppose the natural question would be, how did these pictures get into this publication?

Q (BY MR. FLYNN) Would you answer that question?

A They were mailed by me from the -- the proofs

7

were given to me by the Red Army and were mailed by me with an accompanying article on the Red Army to the "Daily Worker" from the Soviet Union and were published in the "Daily Worker" prior to my return to the United States.

Q Is the article by you?

A The article is signed by me.

Q Is that the article also on this paper?

A Yes, that is the article, this article appears signed by Paul Crouch, "Red Army Freedom Contrast to United States Slavery, Crouch, Communist Youth Leader shown in U. S. S. R."

THE COURT: What does it say?

THE WITNESS: The heading is "Red Army Freedom Contrast to United States Slavery, Crouch, Communist Youth Leader shown in U. S. S. R.", by Paul Crouch, and then the article continues.

MR. FLYNN: Does Your Honor desire to see this?

THE COURT: I will look at it, but if you want it to be shown to the jury so they will have what is to be seen.

Well, Mr. Crouch, I understand this single figure is your portrait?

THE WITNESS: That is my portrait and the tall --

THE COURT: The tall one --

THE WITNESS: The tall one is a group picture of me.

8

THE COURT: Very well, sir.

(The paper was handed to the jury.)

Q (BY MR. FLYNN) Mr. Crouch, on cross-examination you were asked as to when you had seen Mr. Frankfeld at meetings and otherwise.

MR. FLYNN: I want to offer this, Your Honor.

MR. BUCHMAN: What is it?

MR. FLYNN: You have seen it. This is the minutes of the meeting.

THE WITNESS: It is the minutes of the Euro of the National Executive Committee of the Young Communist League held in New York City in October 24, 1929.

Q (BY MR. FLYNN) Does this indicate who was present at that meeting?

A Yes.

Q Would you tell us who was present from the minutes?

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

THE COURT: Well, I will have to ask you to state the grounds of your objection.

MR. BUCHMAN: Reading from a document not in evidence, Your Honor.

MR. FLYNN: I will offer it in evidence. My intention was to offer it afterward, but I will offer it in evidence now and then let the witness read from it.

THE COURT: Show it to him.

9

MR. WRIGHT: I object to it because the witness cannot testify as to when he allegedly saw the defendant Frankfeld with respect to this document not authenticated, and he is talking about minutes, and there is no showing of any authenticity as such with respect to this so-called recognition by this witness. Further, it would require in my judgment a more formal authentication before it would be received in evidence.

THE COURT: Well, I am not sure what is the point of the whole thing. The witness testified at considerable length on direct examination that he had known Mr. Frankfeld for many, many years as an active officer or member or functionary of the Young Communist League, and that he had also met him at various conventions, meetings of the Communist Party of the United States.

Now, I think there was some evidence -- I am not perfectly sure about this myself -- that you had seen Mr. Frankfeld elsewhere out of the United States some time.

THE WITNESS: No.

THE COURT: You did not say that?

THE WITNESS: No.

THE COURT: Well, now, Mr. Flynn, you are offering in redirect a written memorandum or minutes of some meeting corroborating, I suppose, the witness as to his recollection that he had met Mr. Frankfeld at some time.

10

MR. FLYNN: Yes, because he was cross-examined very extensively as to the various places that he had met him and the nature and the circumstances and so on.

THE COURT: In view of the fact that there is no evidence tending to contradict Mr Crouch's statement that he had known Mr. Frankfeld and met him frequently in connection with the Young Communist League or at other affairs in the United States, at various conventions, I see no need for corroboration by minutes of the meeting on that point, unless and until there is some evidence that the fact did not occur.

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CV file
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I, therefore, sustain the objection to the paper at this time. If, later on in the trial, there may be contradiction of that fact, I think it would be permissible to return to this paper.

MR. FLYNN: May I have it marked for identification?

THE COURT: Yes, if the witness has identified it.

Q (By Mr. Flynn): Do you identify it?

A I do.

Q Where did you get it?

A I got it from the Acting Secretary, John Steuben, also known as "Rijak", the Acting Secretary at that time, a few days after the meeting.

MR. FLYNN: I offer this for identification.

(Minutes of Bureau of National Executive Committee of Young Communist League, Oct. 24, 1929, marked "Government Exhibit 15 for Identification.")

Q (By Mr. Flynn): Mr. Crouch, yesterday you were asked by one of the counsel as to some effort or attempt you had made to get on a political ballot, was it in Georgia?

A Tennessee.

Q At that time, there was some question as to what you told the Board of Election Supervisors, if that was the Board down there, as to what you told them. At that time, did you have with you any document?

XX

C 2

A I had with me the 1938 Constitution of the Communist Party of the U. S. A.

Q Is that the document you used in order to attempt to convince these people that you should be permitted to go on the ballot down there as a candidate for public office?

A Yes, that was the main document.

Q Is this a copy of the Constitution and By-Laws?

A It is.

Q And that is the book you used at that time.

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

MR. WRIGHT: I object to that. I do not see the relevancy or materiality of it at this time. It seems to me the same position Your Honor took with reference to the last document, that this is completely inapplicable here.

There has been no contention on the part of the defendants that the witness did not appear at the election board and have such a document with him, and I don't see the relevancy or materiality of it.

THE COURT: That is not the point of the present offer, as I understand it. It is redirect examination of the witness in relation to subject matter brought out on cross-examination. I don't know myself - I have not read the book myself - what is the particular significance of

C 3

it. I can see as a matter of relevancy in asking the question that it might be permissible, depending on what is in it. I don't know what is in it. What particular point do you have, Mr. Flynn, with regard to the book?

MR. FLYNN: The point is simply this: This matter was brought out on cross-examination for the first time and was not touched on in direct examination. At that time this man was asked a question whether or not he did not go before this Board and attempt to convince them that the Communist Party was not a party engaged in attempting to overthrow the government of the United States.

THE COURT: I recall all that.

MR. FLYNN: Mr. Crouch testified that he used certain language and I want to ask him whether or not that language is not in this particular by-law or particular book and have him explain to the jury just what that language is.

MR. WRIGHT: I do not think the English language calls for an explanation. I think the jury can read it and understand it.

THE COURT: The objection is overruled.

MR. FLYNN: May I have that marked?

(1938 Constitution of Communist Party of the U. S. A. marked Government Exhibit 16.)

xx

C 4

Q (By Mr. Flynn): You state this is the Constitution and By-Laws of the Communist Party of the United States and I want to ask if you will read the first paragraph of the preamble and read it slowly:

A (Reading): "The Communist Party of the United States of America is a working-class political party carrying forward as today the traditions of Jefferson, Paine, Jackson and Lincoln and of the Declaration of Independence. It upholds the achievements of democracy, the right of life, liberty and the pursuit of happiness and defends the United States Constitution against its reactionary enemies who would destroy democracy and all popular liberties. It is devoted to the defense of impartial interests of workers, farmers and all forces against capitalist exploitation and the protection of the working class with its historical mission to unite and lead the American people to extend these democratic principles to the necessary and logical conclusions."

Q If you will stop right there, I will ask you, what is meant by "reactionary enemies of the United States Constitution"?

MR. BUCHMAN: I object, Your Honor.

THE COURT: Is the question to be interpreted in the sense of the meaning which he, as an active Communist

C 5

officer, understood at that time?

MR. FLYNN: Yes.

THE COURT: The reason I ask that question is this: Yesterday we had some comment or discussion with regard to the meaning of the term "bourgeoisie". I take it that all of us who have had some cultural education know that the term is a French word and, of course, its meaning by the dictionary is that of the middle class of people in a country such as France, and refers to shopkeepers and clerks and others who are middle-class people. I asked yesterday to see if I could get any different interpretation of it, whether the lawyers were properly in the bourgeoisie class.

The witness gave his explanation yesterday of what was the meaning of his understanding, as an officer of the Communist Party of the word "bourgeoisie" and I think Mr. Wright said that was a wrong interpretation of it.

It is in connection, however, with any particular meaning which is put upon the word by people who use it largely, like this question seems to be asked, in other words, is there a special meaning to the word in English words. Of course, our English words often have different meaning in different context. It means different things to different people when used in a special sense. Now, if it is in connection with that, and I so understand, he is asked the meaning of this phrase "reactionary enemies".

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10:55

MR. FLYNN: Well, "reactionary enemies of the United States."

THE COURT: "Reactionary enemies."

MR. BUCHMAN: I won't state the ground. I will simply state my objection.

THE COURT: Yes.

Q (By Mr. Flynn) Now, can you tell us just what is meant in the constitution of this Communist Party, and if that was the interpretation that you were using when you went down there to Tennessee, or wherever it was, to get on the ballot? What is your understanding as to the meaning of this term "reactionary enemies of the constitution of the United States"?

A As I understood it, as I taught it in the Party, it was those people who were opposing the programs and demands of the Communist Party.

Q And, therefore, under this Constitution they were the people that the Party had set out to fight, anyone who was opposing the Constitution?

MR. WRIGHT: If Your Honor please, I object. That is definitely a legal question. If the witness wants to testify--

THE COURT: I sustain the objection to the question.

Q (By Mr. Flynn) Does this kind of term, or a definition of the type that you have given, does that have any particular meaning in the language or the jargon of Communism?

W/b2

You referred particularly, I am pointing out -- I am not leading you, but you referred to Aesopianism.

MR. BUCHMAN: I object to that as leading and a characterization.

THE COURT: If the objection is to the use of the word "jargon" which is possibly a hastily expressed word, I will sustain it on that ground.

MR. FLYNN: I will withdraw it.

THE COURT: But otherwise I think it is an appropriate question.

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

A Will you repeat the question, please?

Q The question was: In your cross-examination you referred to A_{es}opianism.

A Yes.

Q Or "Aesopianism", maybe you pronounce it.

A Aesopian language.

THE COURT: That is spelled, I believe, A-e-s-o-p-i-a-n.

MR. FLYNN: Yes.

Q (By Mr. Flynn) Now, can you tell His Honor and the ladies and gentlemen of the jury whether or not when you were talking to this Board, wherever it was, in the South you were using that language in order to convince them that you ought to be on the ticket?

MR. WRIGHT: Objection, Your Honor.

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THE COURT: I sustain the objection to the form in which the question was put. The witness did say yesterday that by referring to certain Aesopian texts or writings in the paper that he had emanating from the Communist Party he sought to convince the Board that the Party was not prohibited from being on their ticket by constitutional provisions of Tennessee, I suppose, or of the United States, Tennessee in particular. Now, I think the question can be asked what he meant by "Aesopian language" and what language he referred to in the papers that he had then as Aesopian.

Q (By Mr. Flynn) Can you answer the question as propounded by His Honor?

A Yes. By "Aesopian" I mean the use that Lenin gave the word "Aesopian language" in his introduction to the pamphlet "Imperialism." It is words that are clear to Communists, to Marxists, but that when introduced into Court cannot be used against them. Conditions written at a time when the Party might be brought before the bar of justice for its writings if it did not disguise its meaning, and yet write in such a way as to be intelligible to the Party membership. That is the way that Lenin used this in his introduction to the pamphlet "Imperialism" and this is the way in which I used it -- this is the way in which this constitution, this preamble particularly, was written, and this was the way I used it in speaking before the election board at Knoxville,

w/b4

Tennessee.

MR. FLYNN: Can I see No. 9, please?

Q (By Mr. Flynn) Is this the book that you are referring to that the definition of "Aesopianism" is in?

A It is.

MR. FLYNN: May it please the Court, this has been marked for identification. I would like to have it introduced in evidence and read from.

THE COURT: I am not quite clear as to just what your question was, what it imported, and I am not sure whether the jury understands it.

Now, Mr. Stenographer, would you mind reading me Mr. Flynn's question?

(The last question was read by the Reporter.)

THE COURT: Now, you were therefore referring to some definition of "Aesopianism" in this book, which is one of the books which has previously been identified by the witness.

MR. FLYNN: That is true, sir.

THE COURT: You had better let him identify it again and then refer to the particular phrase or passage and make that a part of your question so we will understand it thoroughly.

THE WITNESS: It is in the Little Lenin Library, Volume 15, "Imperialism - The Highest Stage of Capitalism" by V. I. Lenin, International Publishers, New York, copyright

w/b5

1939 by International Publishers, Incorporated, printed in the U.S.A."

MR. WRIGHT: What is the date of the writing?

MR. FLYNN: 1939.

MR. WRIGHT: The date it was written?

Q (By Mr. Flynn) Do you know what date it was written?

A Yes, it was written at Zurich in the spring of 1916.

6-3

MR. WRIGHT: Your Honor, that being the date of the publication, I object on the ground it is remote and immaterial.

THE COURT: Overruled.

Q (By Mr. Flynn) Will you point out there, please, Mr. Crouch, the portion of that book that you were referring to in your testimony just a little while ago?

A Yes. "This pamphlet was written with an eye to the tsarist censorship."

Q What are you reading from now?

A The preface to the Russian edition.

Q On what page?

A On page 7.

"This pamphlet was written with an eye to the tsarist censorship."

THE COURT: What is that word, "desire"?

THE WITNESS: "T-s-a-r-i-s-t."

W/b6

THE COURT: "Tsarist"?

THE WITNESS: It was referring to the government of Russia.

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

And he has the word "legal" in quotations.

"It is very painful, in these days of liberty, to read these cramped passages of the pamphlet, crushed, as they seem, in an iron vise, distorted on account of the censor."

He says, "I had to speak in a 'slavish' tongue," ..

THE COURT: Now, what you have read, does that purport to have been something that Lenin wrote when he was in Switzerland in 1916 and necessarily in exile, or at least out of Russia?

THE WITNESS: Yes.

THE COURT: That is what he wrote in 1916?

THE WITNESS: Yes.

THE COURT: Now, then, how does that get into this

W/b7

book? Is it a preface to this book?

THE WITNESS: It is a preface to this book explaining why the context of the book does not carry the revolutionary language that it otherwise would have, because he wrote this with a view to having a legal translation in Russian.

THE COURT: All right. Let me look at the book.

As I understand it, this is a book in the Little Lenin Library, Volume 15. The subject of the book is "Imperialism - The Highest Stage of Capitalism" by V. I. Lenin. The book purports to have been first published from January to July, 1916. I will not say published. It was first written January - July, 1916, and in the preface in the Russian edition of the book appears the language which Mr. Flynn had read which itself is, or purports to be, an explanation by the author Lenin written at Petrograd April 26, 1917, and in the preface there is an explanation given of the general way in which the book was written, which includes the particular words in which he says, "This pamphlet was written with an eye to the tsarist censorship. Hence, I was not only forced to confine myself strictly to an exclusively theoretical, mainly economic analysis of facts, but to formulate the few necessary observations on politics with extreme caution, by hints, in that Aesopian language -- in that cursed Aesopian language -- to which tsarism compelled all revolutionaries to have recourse whenever

W/b8

they took up their pens to write a 'legal' work."

6-4

Now, the only point of the whole matter at the present time seems to be that the word "Aesopian" as used yesterday by the witness is in the sense that he, the witness, now says is used in this explanation by Lenin of some of Lenin's writings.

What is the next question?

MR. FLYNN: I will offer that in evidence, may it please the Court, and it has been marked already.

THE COURT: Yes.

THE CLERK: Now formally offered as Government's Exhibit 9.

MR. WRIGHT: With reference to it, Your Honor, I renew my objection to it just previously made on the same grounds.

THE COURT: Overruled.

(Thereupon, the document entitled "Imperialism - The Highest Stage of Capitalism", previously marked for identification Government's Exhibit No. 9, was received in evidence.)

BY MR. FLYNN:

Q Now, Mr. Crouch, was the Aesopian language used in this constitution as well as other pamphlets and books that were published by the Communist Party?

MR. BUCHMAN: Objection, Your Honor.

W/b9

THE COURT: I sustain the objection to that question. I think it is too broad.

MR. FLYNN: Well, I will confine it to the constitution.

Was Aesopian --

THE COURT: Even so, that would mean and possibly require or justify the reading of every sentence and a further statement as to whether particular words in that sentence were Aesopian or not, and I think it is therefore too broad a question to ask, especially on redirect examination. The witness has said what he understood by the word "Aesopian" in connection with his evidence. I think I will let it stop there.

MR. FLYNN: Has this constitution been offered in evidence?

THE COURT: I really do not know.

MR. FLYNN: I don't see any mark on it, sir, and I am just wondering.

MR. GREEN: There is another copy there.

MR. FLYNN: There is another copy in it. Thank you very much.

THE COURT: That is Government's Exhibit 16.

Q (By Mr. Flynn) Did you ever discuss with any of the leaders of Communism this business of Aesopian language?

MR. BUCHMAN: Objection, Your Honor.

6-5

W/b10

THE COURT: I think I will sustain the objection to that.

Q (By Mr. Flynn) Don't answer this question. There may be an objection to it.

I want to ask you whether or not the "United Front against Fascism", which I believe was Defendants' Exhibit No. -- it was offered yesterday. In any event, you were shown this --

THE COURT: What does it look like?

MR. FLYNN: It may be in a different form, but it was offered by the defendants yesterday as, I think, their Exhibit No. 2.

THE COURT: No. 1, was it not?

THE CLERK: Defendants' Exhibit No. 1.

Q (By Mr. Flynn) Now, you were asked yesterday about this book and particularly about the portion which refers to the U.S.A. I only want to ask you this question: Do you know whether or not Aesopian language was used in the preparation of this book?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: The question is: Does he know? He can answer that "yes" or "no."

Q (By Mr. Flynn) Can you answer it "yes" or "no"?

A Yes, with a qualification to a degree.

Q To a degree. Well, what is the degree?

MR. BUCHMAN: Objection, Your Honor.

W/b11

THE COURT: Overruled.

A The degree is that Fascism was presented as though it were a danger in itself rather than a military force threatening the Soviet Union. The purpose of the emphasis on Fascism was concealed behind Aesopian terminology.

MR. BASSETT: If Your Honor please, I move to strike the last answer, the qualification, as not responsive. The question was: Do you know? And he went on to qualify it.

THE COURT: I think that is a matter of language. I think it is true. There is, rather, a possibility that the witness misunderstood the precise question. The question was: What do you know as to the use of what you call misleading language or language having a double meaning to have been the motivation in this book? It is not a question of what part of the book is in that condition, but how do you know that it is so?

THE WITNESS: From a personal report of Earl Browder, who was present at the Seventh World Congress, and who reported to me and other leaders of the Communist Party on the instructions given by Dimitroff in the application of this and the purpose of the fight against Fascism.

MR. BUCHANAN: Objection, Your Honor. Pure hearsay.

THE COURT: No, I think not. I will overrule it. I think I had better explain it to you so that you will understand the basis of my ruling in that regard. It is not so

W/b12

much whether what Browder said was entirely true as it is the witness' basis for making the statement by himself.

Browder, it has already been shown in this case, was, I assume at that time -- I do not know about the present time -- a high functionary of the Communist Party. That is the basis of the ruling in this case.

What is the next question, Mr. Flynn?

Q (By Mr. Flynn) This pamphlet which you were shown by the defendants, which is Exhibit No. 1, is headed "Georgi A. Dimitroff's United Front Against Fascism." Now, can you tell His Honor and the ladies and gentlemen of the jury what is meant by this "United Front"?

A The "United Front" means that the Communist party and the Soviet Union form a basis of unity of action to a greater or less degree in the face of an obstruction or an enemy, which in this case was the military power of Germany.

Q Was this the basis for the United Front tactic, this pamphlet that you looked at?

A Yes, the fear of a German victory over the Soviet Union.

Q Can you tell us what was the result, if there was a result, of the united front tactic in the United States? How was it worked out here?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: I think that is proper redirect. It would

6-6

W/b13

not have, I think, been proper direct examination, but I believe, Mr. Buchman, you laid some emphasis on this very book that Mr. Flynn is now talking about, and you had the witness read a whole page of it, I think, and I think therefore Mr. Flynn is entitled on redirect to inquire about that.

Go ahead.

THE WITNESS: The best example is that Earl Browder stopped calling President Roosevelt a Fascist or a near Fascist, a man paving the way for Fascism, as he did in many of his public writings, and began praising him, and the fact that the Communist Party in its agitation and publications tried to pave the way for temporary friendly relations between ^{the} United States and the Soviet Union in the hope of having the United States as an ally.

Q (By Mr. Flynn) Was that the purpose of the publishing of this book, the speeches of Dimitroff on that thing? It was published, I believe, the first edition in 1935; the last edition in 1945.

MR. BUCHMAN: Objection, Your Honor. The document--

THE COURT: I will sustain the objection.

MR. FLYNN: Just one final question.

Q (By Mr. Flynn) I notice that a great many of the books that we have had here have been published by the International Publishers of New York. Can you tell us who the International Publishers are?

w/b14

A The book publishing house of the Communist Party, headed by Alexander Trachenberg, one of the national leaders of the Communist Party.

MR. FLYNN: That is all. Thank you.

THE COURT: Any further examination of the witness?

MR. BUCHMAN: Yes, if Your Honor please.

MR. BASSETT: Yes, if Your Honor please. I have one question to ask about the redirect on the photograph.

THE COURT: All right. Ask it, please.

MR. BASSETT: May I have Government's Exhibit No. 8, the newspaper?

THE CLERK: Government's Exhibit 14.

MR. BASSETT: Well, Government's Exhibit 14.

REGROSS-EXAMINATION

BY MR. BASSETT:

Q The District Attorney showed you this newspaper containing two photographs in an effort to sustain your contention that you were a Colonel in the Red Army. I show you those photographs and ask you to indicate where are the insignia of your rank?

A The insignias of rank are on -- are a small diamond shape on the collar. They are not --

Q I am not asking you what they are. Where are they? Do they appear?

A They do not appear because of the dimness of the

W/b15

photograph.

Q In other words, there is no visible insignia of rank in that picture?

A You could only recognize him as an officer of the Red Army. You couldn't say whether he was a Captain or a General or a Marshal.

Q You could not tell whether you were a Colonel of the Red Army on the basis of that picture?

A You could only recognize it as an officer.

Q Please answer the question "yes" or "no." I say, on the basis of that picture can you identify yourself as a Colonel of the Red Army? Just say "yes" or "no."

A No, with this qualification: It merely indicates I had a rank, no specific rank.

MR. BASSETT: That is all.

THE COURT: Step down.

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11:25

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THE COURT: Very well. Step down, sir.

MR. WRIGHT: I don't know whether Mr. Bassett is through, but I am not.

THE COURT: What?

MR. WRIGHT: I don't know whether Mr. Bassett is through or not, but I have a question to ask.

MR. BASSETT: May I apologize there. I had only finished as far as my examination is concerned.

THE COURT: Is there another question to be asked?

MR. WRIGHT: Yes, totally unrelated to what Mr. Bassett was inquiring about.

THE COURT: What is the question?

MR. WRIGHT: I think the witness testified he read from a document written by Lenin in 1916 giving an explanation of what at that time he meant by Aesopian language.

CROSS-EXAMINATION
Q (BY MR. WRIGHT) Did you not?

A Yes.

Q I ask you, after having read that, what is your understanding of what Lenin meant by the nature of the Tsarist Government?

A He meant that the Tsarist Government in that particular year, 1916, did not permit the publication of books that called for the armed overthrow of the government by force and violence.

Q Did you also learn by that sir, that because of the nature of the political conditions under which he was

2

writing that there was a strict censorship of any kind of writing or publication?

A Relative censorship, very mild compared to the present Soviet Union censorship.

Q I am not asking you that, but I am talking about your understanding of the case with respect to these particular conditions under which it was written in 1916.

A A matter of relativity. I would say that the Tsarist Government with respect to political things was quite lenient and gave very light punishments to people who were trying to overthrow the Government through armed insurrection.

This was written in time of war, 1916, when the country was at war with Germany, when they allowed less rights to attempt to overthrow the Tsar by force and violence than at other times.

Q Is it not a fact, Mr. Crouch, that because the conditions that were bad at the time this was written that occasioned this writing; is that not a fact?

A The thing that occasioned this writing was that the government of the Tsar did not permit the distribution of literature calling for its overthrow.

Q Did they permit any kind of political writing at that time?

THE COURT: Well, that is too broad a question,

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going back to 1916.

MR. WRIGHT: If Your Honor please --

THE COURT: Going back to Tsarist Russia.

MR. WRIGHT: I did not bring this matter into the trial, but I want to ask about the conditions under which this was published since this has been made an issue.

THE COURT: Well, then it requires me to make a long statement as to why I rule about it, and I have no desire to encumber the record, but there are some things which a Judge can see which lawyers perhaps do not see, and I do not want to have any mystery about it, but you are asking about 1916, an entirely different period, which is entirely right, but it has no real application to the point here.

The word "Aesopian" crept into the witness' explanation of something about what you asked him about down in Tennessee, and he described the sense in which he used the word "Aesopian", and in doing that he goes back to something that Lenin wrote in 1916 in which he, Lenin, used the word "Aesopian" for the purposes that he states there.

That is the sense in which the witness says other writings of the Communist Party are now from time to time couched.

Now, that is all there is about it. The witness may not be right about it, and when you come to your side

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of the case you may show that he is entirely mistaken about it; but that is the relevancy of the word "Aesopian" here.

Now, do you have another question?

MR. WRIGHT: Yes, I have another question, Your Honor.

Q (BY MR. WRIGHT) Mr. Crouch, so far as you know, does the Communist Party put out any dictionary of language? Do they publish a dictionary in which people can look to determine exactly what the language in their publications mean?

A They have a synonym for a dictionary which are called the Marxist - Leninist Classics, and anyone who has read and studied the Marxist - Leninist Classics are able very easily to read and understand and apply the current Party application whether written in the open or Aesopian language.

Q Well, would you say that if the Court read the Marxist - Leninist Classics he would understand the language as Earl Browder understands it?

A Definitely, yes, if he studied it, he would.

Q In other words, anybody can understand Aesopian language? There is no mystery about it?

A Anybody that takes the time to study the classics, "Foundations of Leninism," "Problems of Leninism" and "Program of the Communist International" as the basic docu-

5

ments, and by studying those he is able to very clearly understand the current day to day publications to the extent of revolutionary aims, yes.

Q Then as I understand it there would be no point at all for the question before the Board in an effort to mislead them when all that was required was to read the language of the Marxist Classics to understand them for themselves; isn't that a fact?

A No, for this reason that it requires a tremendous amount of time to read through and study "Foundations of Leninism" and "Problems of Leninism" and "State and Revolution" and the "Program of the Communist International."

This was a one or two day hearing and time did not permit reading all those, but they did read and get in extracts, and the attorneys from Memphis read some of these publications, and I read some of these into the record and as a result of reading them the Board ruled the Communist Party advocated the overthrow of the Government of the United States by force and violence and declined to place my name on the ballot as a candidate for the United States Senate and ruled Earl Browder off the ballot.

Q One or two other questions.

Is it not a fact that all these books that you are talking about are in wide circulation and can be gotten in any library in the cities or states in the United States?

6

MR. FLYNN: I object to that.

THE COURT: I sustain the objection. You are getting into something else which is not the same thing.

Q (BY MR. WRIGHT) Directing your attention to your statement with reference to the personal reports that you say you made and with reference to certain documents Mr. Flynn showed you and speeches by Dimitroff in Aesopian language, is it not a fact that that was an open meeting that anybody could attend?

A No, definitely not, not the meeting I am referring to.

Q Let me ask you this question: I would like to ask you whether there is in any document, you can identify as to a statement from Lenin written in 1916 where "Aesopian" language appears with any explanation?

A I don't recall offhand, no.

MR. WRIGHT: That is all I have.

THE COURT: Is that all?

MR. WRIGHT: Yes.

THE COURT: Step down.

(Witness excused.)

THE COURT: We will take a recess for ten minutes.

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

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THE COURT: Call your next witness, Mr. Flynn.

MR. FLYNN: Your Honor, at this time may we substitute a photostat for this Daily Worker?

THE COURT: I see no objection to that. I take it there is none.

MR. BUCHMAN: If the Court please, I have in preparation a motion to strike the testimony of the witness Crouch and I haven't had the opportunity to complete it and I was wondering if I could file it on Monday.

THE COURT: You may make it orally now.

MR. BUCHMAN: I want to analyze the testimony specifically in addition to my motion to strike the entire testimony.

THE COURT: I overrule the motion, Mr. Buchman. I explained to what extent, and to what extent only, the evidence of the witness is admissible and it is only to be considered in connection with other testimony which may be introduced hereafter. At the present time, for the reasons given, I overrule your motion.

Proceed, Mr. Flynn, with another witness.

MR. FLYNN: Will the Clerk call Mr. John Lautner.

THE CLERK: Mr. John Lautner.

C 2

Thereupon ---

JOHN LAUTNER,

a witness produced for and on behalf of the United States, having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. Flynn:

Q Your full name is John Lautner, L A U T N E R?

A Right.

Q Mr. Lautner, where were you born?

A I was born in Hungary.

Q Are you a citizen of the United States?

A Yes.

Q How are you a citizen of the United States?

A By naturalization in 1926.

Q When did you come to the United States?

A I came to the United States at the age of 18 months old. I was here until the age of six. I was taken back by my parents to Hungary by my parents to Hungary and came back at the age of 18 in 1920.

Q What occupations have you had since your coming to the United States in 1920? What work have you done?

A I am a bricklayer by trade.

Q Did you work at bricklaying?

A Yes. I am a member at the present time of Local

G 3

34 of the Bricklayers, Masons & Plasterers Union in New York City.

Q When you got to this country, of course, at that early age your parents came with you, they brought you here?

A My father was here and my mother brought me here.

Q Have you ever been a member of the Communist Party?

A Yes.

Q Will you tell us when you joined the Communist Party and under what circumstances, please, where?

A I joined the Communist Party in 1929 in November or December in New York City, in Yorkeville, which is the upper east side of Manhattan Island.

Q How old were you when you joined the Communist Party?

A 27.

Q What were the circumstances, if there were any particular circumstances, why you joined it?

A Yes, I lived in the neighborhood of 84th Street, East 84th Street, and after work I usually went to a Hungarian Restaurant on 81st Street and I got involved in a dramatic club over there and later on in a relief organization and through associates and friends I was approached to join the Communist Party and I joined in 1929. I came to New York about 1927 and two years later I joined the

C 4

Communist Party.

Q Two years after you arrived in the United States, you joined the Communist Party?

A No, two years after I arrived in New York from Ohio.

Q You lived in Ohio before you went to New York?

A That's right.

Q Have you held any offices in the Communist Party?

A Yes.

Q Will you tell us what they were and what years you held them?

A Well, shortly after I joined the Communist Party I was sent to a training school of the Party which was held in New York City under the auspices of the Hungarian National Bureau of the Communist Party, and after training, I was assigned as a full-time organizer or functionary at Detroit, Michigan, as the Bureau Secretary of the Hungarian District Bureau there.

Q Where was this school that you attended?

A This school was held in New York City in Union Square, at that time known as the Faine Building. The Communist Party headquarters were in that building and the Hungarian Communist paper was published in the same building and today it is part of the Klein Department Store.

Q Can you tell us why you were selected to go to

C 5

this school?

A I was selected by the Hungarian Bureau - I don't know what reasons they had for sending me. I was 27, I was young and evidently I was qualified, in their opinion, to send to the school.

MR. WRIGHT: I object to this. I think this calls for the operation of the witness' mind as to what somebody else thought.

THE COURT: Overruled. Go ahead, Mr. Flynn.

Q (By Mr. Flynn): After you got out of the school, what subjects were you taught in this school?

A In this school we had the following subject matters: The Decisions of the Sixth World Congress was taught by John Santo.

Q The Sixth World Congress of what?

A The Communist International, Marxism and Leninism was taught by James Lustig. Santo was later on head of the Transport Workers Union, Treasurer of the Union, and James Lustig today is one of the International Representatives of the United Electrical Workers Union.

We had the Communist Manifesto by Louis Beverids, who, today, to my knowledge is Minister of Transportation in the Hungarian Communist Government.

We had dialectical material taught by Doctor John Gyepbay, who at the time of my expulsion from the

C 6

Party was the Hungarian Minister to Ankara, Turkey.

Then we had the party policy taught by J. Louis Angol, who at that time was a member of the Central Committee of the Party.

Hungarian Problems from the Communist Point of View was taught by the National Secretary of the Hungarian Bureau at that time by the name of Gus Majer and Louis Weinstock taught the history of the Russian Revolution and there were some other details and subjects in this school.

Q When was this?

A In January, 1930, February, March and April. I think it was February with a three-months school. In May the school was out.

Q What was the purpose of your being at this school? Why were you sent there?

A The purpose was stated by J. Peters, who was also a teacher in that school. He was teaching political economy and was a member of the Hungarian National Bureau at that time.

MR. BUCHMAN: Objected to as hearsay.

THE COURT: Overruled. The witness is just making some explanation of when and how he joined the Communist Party. I do not think it is at all material in this case at the present time one way or another.

C 7

Mr. Lautner, we have quite a very large room and if you can keep your voice up and talk louder, it might be helpful to us.

Proceed, Mr. Flynn. I assume you will get to some point material to the case soon.

Q (By Mr. Flynn): After you got out of the school, you were sent as a district organizer where?

A As District Secretary of the Hungarian Bureau in Detroit, Michigan.

Q How long did you stay there?

A I stayed there until the spring of 1931.

Q Then where did you go?

A From there I was sent by the Party to Canada.

Q You say you were sent by the Party. Tell us just what that means.

MR. BUCHMAN: I object.

THE COURT: I sustain the objection. The witness is just explaining, as I understand, what relation he has had to the Communist Party. Can you go that in group without going into so much detail? You can ask what various places he has been as a Communist and what offices he has held if you want to, but unless you make your questions pointed, I am afraid the witness will take too much time going into things which are preliminary to anything he may know about the case.

C 8

MR. BUCHMAN: The point of my objection is that no foundation is being laid and affords no opportunity for cross-examination.

THE COURT: Go ahead, Mr. Flynn.

Q (By Mr. Flynn): How many offices did you hold in the Communist Party?

A I held the following offices: District Secretary of the Hungarian Bureau in Detroit, National Hungarian Bureau Secretary and Editor of the Hungarian Communist paper in Canada; I held an assignment in the New York District Language Department.

Q Can you just put the dates in, if you can, while going along.

A In 1932 I was District Secretary of the Bureau in Cleveland; Sectional Organizer of the Communist Party in New York from 1933 to 1936, April; District Organizer of the Communist Party from April, 1936 to the end of 1940 in West Virginia; student in the National Training School in 1941, the spring term; National Bureau Secretary of the National Group Commission of the National Committee in 1931, 1932 and November 1932 I went into the armed forces.

I came out in 1945, June, and was assigned as Hungarian National Bureau and in 1945 a member of the National Groups Commission up to the middle of 1945 and

C 9

assigned to carry out one of the industrial organizers in New York County after the reconstitution of the Party in 1946.

In 1947 for a while I was on the Chelsea Concentration Region in New York County. In the summertime of 1947 appointed as head of the State Review Commission of the New York State organization of the Communist Party.

In 1948, after the National Convention, also assigned to the National Review Commission of the Communist Party, and up to the time of my expulsion from the Party on January 17th, 1950, I was head of the New York State Review Commission and member of the National Review Commission of the Communist Party.

THE COURT: When you say the Review Commission, just what is the Review Commission?

THE WITNESS: The Review Commission in the Communist Party is a sort of judge, jury and police all in one, to safeguard the Marxism-Leninism theories of the Party, to police it in the elements of the Party and to sit on cases and render judgment in disciplinary cases that were made by lower organizations, to review such cases.

THE COURT: You say you were on that Board?

THE WITNESS: Yes.

(By Mr. Flynn): You say you were on that Board in

C 10

1950?

A At the time of my expulsion, I was a member of both the National Review Commission and head of the New York State Review Commission.

Q I understood you to say that you returned from the army in 1945?

A June.

Q And you had been in the armed services for about four or five years?

A 31 months.

Q When you got back from the army, what was the situation so far as the Community Party was concerned? Was it in existence or was it under some other name?

MR. BUCHMAN: I object.

THE COURT: Overruled.

A When I came back from the army, there was a Communist Political Association, which organization at that time was in a turmoil over the policies that brought about this Political Association and the policies of Browder, who was President of the Political Association.

MR. BUCHMAN: I move to strike out the answer.

THE COURT: Overruled.

MR. FLYNN: Go ahead.

THE WITNESS: I went to the Party building and I spoke to John Williamson, who was the Secretary of the

C 11

Political Association, and he instructed me not to come to any harsh decisions or conclusions but to study the draft resolution that was out at that time and to study the Duclos letter and to study the pre-convention discussions that will appear in the Daily Worker from day to day, and he also at that time extended me an invitation to attend the National Convention of the Communist Political Association that was to be held in the month of July, 1945.

Q That was the convention of the National Communist Political Association?

A In 1945, July

Q You did attend that convention, did you?

A Yes.

Q Were you an elected delegate or what was your function at that convention?

A I was an invited guest by invitation by John Williamson, Secretary of the Political Association.

Q Now then, did you read the so-called Duclos letter or article?

A Yes.

Q Where did you read it?

A I read it at the Daily Worker, it was published in the Daily Worker in the summer of 1945.

Q Where did you get the copy of it and for what reason was the/given to you?

C 12

A John Williamson instructed me to read the Duclos letter and I went down to the Daily Worker office and got a copy of the Daily Worker and also a copy of the draft resolution and one of the Daily Workers carried the draft resolution.

Q I show you this paper and ask if you can identify it, please?

A This is the May 24th, 1945, issue of the Daily Worker, which carries the Duclos letter or the Duclos article.

Q Is that the issue which you read on the instructions of Mr. Williamson?

A Correct, yes.

MR. FLYNN: If your Honor please, I would like to offer this in evidence.

(Copy of Daily Worker dated May 24, 1945 marked Government Exhibit 17.)

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MR. FLYNN: And if we may substitute a photostat later, I would like to do so. It is on page 7.

THE COURT: What is the date?

MR. FLYNN: May 24th, 1945. May it please the Court, I think this article should be read to the jury.

I think it should go in. I believe it is that important. I was wondering if Your Honor would permit Mr. Green to read it to save some time, but I think the article should be read. It is rather long but in order to get the purport of it and what it is about, the jury ought to

C 13

hear it.

THE COURT: Is there any objection?

MR. BASSETT: No objection.

THE COURT: Very well.

MR. GREEN: This is from pages 7, 8 and 9 of
The Daily Worker, New York, May 24th, 1945.

The first I will read is the foreword to the
article by Jacques Duclos by Earl Browder, Editor then
of the Daily Worker and President of the Communist
Political Association:

"The Daily Worker is publishing herewith an
extended article, just received, dealing with the
position of America in its world relations and some
theoretical issues of Marxism raised by the policy
pursued by the American Communists.

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"The author is one of the main leaders of the Communist Party of France whose policy for its own country is unquestionably sound and most recently registered pronounced success in the French Municipal Elections. Unquestionably, while this is the personal article of Jacques Duclos, it reflects the general trend of opinion of European Marxists in relation to America, and thus demands our most respectful consideration.

"Since the American Communists severed their organizational connection with the Communist International in 1940, and especially since the Communist International was itself dissolved in 1943, there has been no institution to which American Marxists could counsel with the Marxists of all lands on the multitude of questions which are essentially international in character, whether these be theoretical problems or involving an estimate of the world relational forces. Inevitably, under the new conditions, different judgments were made by the Marxists of different countries on some questions; of this we are now prepared with a very sharply expressed example in the article of Duclos.

"We therefore are faced with the necessity of conducting our discussions to the press, which, under the tradition of freedom of communication and the press, is our chief available substitute for organized

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consultation, inadequate as it may be. We can only welcome the initiative of Jacques Duclos in utilizing this channel of international discussion.

"It has been clear at all times that the end of the war in Europe would require a fundamental review of all problems by American Marxists. We must estimate our past work and face the tasks of the future. We must make the most careful inventory, balance our political books, and know clearly how we stand as we enter a new period of sharpening struggles, crisis, and profound changes.

The article of Duclos may conveniently provide a starting point for this fundamental review, which the CPA leadership had independently begun some time ago upon the basis of accumulating threats against the unity of the great coalition.

"The framework of this discussion is that it takes place within the Communist Political Association, as an autonomous American organization without affiliation with any other organization, and is conducted through its own established channels and according to its own rules. The CPA will make its own decisions after its own discussions, taking into account all available information and opinions that seem pertinent.

"Our enemies will raise a gleeful clamor to greet

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the open discussion of difference of opinion between Communists of different lands and between Communists within America. Some will show that it marks the disintegration of the Communists, others that it is the re-emergence of the Communist International, and all will use the occasion to heap slander upon us and spread as much confusion as possible.

"We have learned through years of experience to ignore such enemy attacks, knowing that the conclusion of our discussions is always a more solid unity of the Communists. In this we differ from the bourgeoisie. We recall, for example, the bitter exchange of polemics between the British and American press at the turn of the year, which ended not in a resolution of the deep cleavage thus revealed, but in covering it up again unresolved. Or the example of the deep split in the American bourgeoisie itself over Roosevelt's line of policy, a split that grows deeper the more it is discussed amongst them. Discussions among Communists, on the contrary, always lead to clarity, to agreement, and to unity of purpose and action.

"Within the framework of the CPA organization, and according to its rules, the discussion initiated by the publication of Duclos' article will be free in the fullest sense. Members of the National Board and

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National Committee will participate in the discussion as individuals, and not as members of these leading bodies bound to speak for common conclusions already reached before the broadest discussion.

"The National Committee will meet to draw conclusions after a period of discussion sufficient to crystallize the basic Marxist understanding of the CPA membership, and at that time undertake to focus this understanding into a clear perspective for the coming period of new storms.

"The National Board of the CPA at its next meeting, which was to review some of the recent developments and the tasks which flow from them, will undoubtedly also give its evaluation of the main questions raised by Duclos. Results of the meeting will be published in the Daily Worker immediately upon its conclusion.

"All practical work now under way in the labor and progressive movement should continue along established lines. Let no one speculate on the conclusions of the discussion before they have been registered. Now is a testing time for the integrity, understanding and maturity of the CPA and of each member."

That is the conclusion of the article by Browder. I want to now begin to read the article entitled "On the Dissolution of the Communist Party of the United States"

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by Jacques Ducloux, which is shown to be "Reprinted from the April issue of Cahiers du Communisme, theoretical organ of the Communist Party of France."

The article begins:

"Many readers of Cahiers du Communisme have asked us for clarification on the dissolution of the Communist Party of the USA and the creation of the Communist Political Association.

"We have received some information on this very important political event, and thus we can in full freedom give our opinion on the political considerations which were advanced to justify the dissolution of the Communist Party.

"The reason for dissolution of the Communist Party in the USA and for the 'new course' in the activity of American Communists are set forth in official documents of the Party and in a certain number of speeches of its former secretary, Earl Browder.

"In his speech devoted to the results of the Teheran Conference and the political situation in the United States, delivered Dec. 12, 1943, in Bridgeport and published in the Communist magazine in January, 1944, Earl Browder for the first time discussed the necessity of changing the course of the CPUSA.

"The Teheran Conference served as Browder's point of

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departure from which to develop his conceptions favorable to a change of course of the American CP. However, while justly stressing the importance of the Teheran Conference for victory in the war against fascist Germany, Earl Browder drew from the Conference decisions erroneous conclusions in no wise flowing from a Marxist analysis of the situation. Earl Browder made himself the protagonist of a false concept of the ways of social evolution in general, and in the first place, the social evolution of the U.S.

"Earl Browder declared, in effect, that at Teheran capitalism and socialism had begun to find the means of peaceful co-existence and collaboration in the framework of one and the same world; he added that the Teheran accords regarding common policy similarly presupposed common efforts with a view to reducing to a minimum or completely suppressing methods of struggle and opposition of force to force in the solution of internal problems of each country.

"That (the Teheran Declaration) is the only hope of a continuance of civilization in our time. That is why I can accept and support and believe in the Declaration at Teheran and make it the starting point for all my thinking about the problems of our country and the world."
(Address at Bridgeport, Conn. Dec. 12, 1943.)

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"Starting from the decisions of the Teheran Conference, Earl Browder drew political conclusions regarding the problems of the world, and above all the internal situation in the United States. Some of these conclusions claim that the principal problems of internal political problems of the United States must in the future be solved exclusively by means of reforms for the 'expectation of unlimited inner conflict threatens also the perspective of international unity held forth at Teheran.' (Teheran and America, pp. 16-17.)

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"The Teheran agreements mean to Earl Browder that the greatest part of Europe, west of the Soviet Union, will probably be reconstituted on a bourgeois democratic basis and not on a fascist-capitalist or Soviet basis.

"But it will be a capitalist basis which is conditioned by the principle of complete democratic self-determination for each nation, allowing full expression within each nation, allowing of all progressive and constructive forces and setting up no obstacles to the development of democracy and social progress in accordance with the varying desires of the peoples. It means a perspective for Europe minimizing, and to a great extent eliminating altogether, the threat of civil war after the international war."

Unquote from the Bridgeport speech, Communist,

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January, 1944, page 7.

"And Earl Browder adds: 'Whatever may be the situation in other lands, in the United States this means a perspective in the immediate postwar period of expanded production and employment and the strengthening of democracy within the framework of the present system-- and not a perspective of the transition to socialism.'"

Continuing, quote:

"We can set our goal as the realization of the Teheran policy, or we can set ourselves the task of pushing the United States immediately into socialism. Clearly, however, we cannot choose both.

"The first policy, with all its difficulties," --

THE COURT: Mr. Green, I am trying to follow you. Are you now reading from what Browder maintains or from what Duclos is advocating?

MR. GREEN: No, sir. Duclos at this point is quoting what Browder said.

THE COURT: Still quoting from Browder?

MR. GREEN: That is correct, sir.

THE COURT: Very well.

MR. GREEN: It appears to run down to the end of it apparently from a pamphlet or article written by Browder entitled "Teheran and America", page 20, but I am in the quote from Browder.

W/b9

THE COURT: Very well.

MR. GREEN: "The first policy, with all its difficulties, is definitely within the realm of possible achievement. The second would be dubious, indeed, especially when we remember that even the most progressive section of the labor movement is committed to capitalism, is not even as vaguely socialistic as the British Labor Party.

"Therefore, the policy for Marxists in the United States is to face with all its consequences the perspective of a capitalist postwar reconstruction in the United States, to evaluate all plans on that basis, and to collaborate actively with the most democratic and progressive majority in the country, in a national unity sufficiently broad and effective to realize the policies of Teheran."

THE COURT: Now, is that Browder's statement?

MR. GREEN: Yes, sir, all of that was Browder's at page 20 in "Teheran and America" and then Duclos continues:

"To put the Teheran policy into practice, Earl Browder considers that it is necessary to reconstruct the entire political and social life of the U. S."

Now, I am going again, sir, to a quote from Browder from his Bridgeport speech, reported at page 8 in the Communist for January, 1944.

W/b10

"Every class, every group, every individual, every political part in America will have to readjust itself to this great issue embodied in the policy given to us by Roosevelt, Stalin and Churchill. The country is only beginning to face it so far. Everyone must begin to draw the conclusion from it and adjust himself to the new world that is created by it. Old formulas and old prejudices are going to be of no use whatever to us as guides to find our way in this new world. We are going to have to draw together all men and all groups with the intelligence enough to see the overwhelming importance of this issue, to understand that upon its correct solution depends the fate of our country and the fate of civilization throughout the world.

"We shall have to be prepared to break with anyone that refuses to support and fight for the realization of the Teheran Agreement and the Anglo-Soviet-American Coalition. We must be prepared to give the hand of cooperation and fellowship to everyone who fights for the realization of this coalition. If J. P. Morgan supports this coalition and goes down the line for it, I as a Communist am prepared to clasp his hand on that and join with him to realize it. Class divisions or political groupings have no significance now except as they reflect one side or the other of this issue."

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Unquote from Browder. Beginning Duclos again:

"Browder's remark regarding Morgan provoked quite violent objections from members of the American CP. Explaining this idea to the plenary session of the central committee, Browder said that:

"I was not making a verbal abolition of class differences, but that I was rejecting the political slogan of "class against class" as our guide to political alignments in the next period. I spoke of Mr. Morgan symbolically as the representative of a class, and not as an individual -- in which capacity I know him not at all."

Unquote from Teheran and America, page 24.

Returning to Duclos:

"As Browder indicates, creation of a vast national unity in the U. S. presupposes that the Communists would be a part of this. Thus, the Communist organization must conclude a long-term alliance with far more important forces. From these considerations, Browder drew the conclusion that the Communist organization in the U. S. should change its name, reject the word 'party' and take another name more exactly reflecting its role, a name more in conformity, according to him, with the political traditions of America.

"Earl Browder proposed to name the new organiza-

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tion 'Communist Political Association,' which, in the traditional American two-party system will not intervene as a 'party', that is, it will not propose candidates in the elections, will neither enter the Democratic or Republican Party, but will work to assemble a broad progressive and democratic movement within all parties.

In his report to the plenary session of the central committee of The CPUSA, Browder spoke in detail of the economic problems of U. S. postwar national economy, and their solution on the basis of collaboration and unity of different classes. Browder indicated that American business men, industrialists, financiers and even reactionary organizations do not admit the possibility of a new economic crisis in the U. S. after the war. On the contrary, all think that U.S. national economy after the war can preserve and maintain the same level of production as during the war.

"However, the problem is in the difficulties of transition from wartime economic activity to peacetime production, and in the absorption by home and foreign markets of \$90 billions in supplementary merchandise which the American government is now buying for war needs. In this regard, Earl Browder claims that the Teheran Conference decisions make possible the overcoming of Anglo-American rivalry in the struggle for foreign outlets,

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and that the government of the United States, in agreement with its great Allies, and with the participation of governments of interested states, can create a series of giant economic associations for development of backward regions and war-devastated regions in Europe, Africa, Asia and Latin America.

"As to extension of the home market, to permit absorption of a part of the \$90,000,000,000 worth of merchandise, Browder suggests doubling the purchasing power of the average consumer, notably by wage increases."

Quoting from Browder:

"Marxists will not help the reactionaries, by opposing the slogan of 'Free Enterprise' with any form of counter-slogan. If anyone wishes to describe the existing system of capitalism in the United States as 'Free Enterprise,' that is all right with us, and we frankly declare that we are ready to cooperate in making this capitalism work effectively in the postwar period with the least possible burdens upon the people."

Unquote from Teheran and America, page 21. Back to

Duclos:

"Further, Browder claims that national unity could no more be obtained by following a policy based on slogans aimed at the monopolies and big capital."

Quoting from Browder:

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"Today, to speak seriously of drastic curbs on monopoly capital, leading toward the breaking of its power, and imposed upon monopoly capital against its will, is merely another form of proposing the immediate transition to socialism."

Unquote from Browder's statement in Teheran and America, page 23. Returning to Duclos:

"In his closing speech to the plenary session of the CP central committee in January, 1944, Browder tried to base himself on 'theoretical' arguments to justify the change of course of the American CP. Also he expressed his concept of Marxism and its application under present conditions.

"Browder thinks that by pronouncing the dissolution of the CP and creating the CPA, the American Communists are following a correct path, resolving problems which have no parallel in history and demonstrating how Marxist theory should be applied in practice."

Quoting again from Browder:

"Marxism never was a series of dogmas and formulas; it never was a catalogue of prohibitions listing the things we must not do irrespective of new developments and new situations; it does not tell us that things cannot be done; it tells us how to do the things that have to be done, the things that history has posed as necessary

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and indispensable tasks. Marxism is a theory of deeds, not of don't's. Marxism is therefore a positive, dynamic, creative force, and it is such a great social power precisely because, as a scientific outlook and method, it takes living realities as its starting point. It has always regarded the scientific knowledge of the past as a basis for meeting the new and unprecedented problems of the present and the future. And the largest problems today are new in the very basic sense.

"We have more than ever the task to refresh ourselves in the great tradition of Marxism, completely freeing ourselves from the last remnants of the dogmatic and schematic approach ...

"True, according to all of the text books of the past, we are departing from orthodoxy, because none of our text books, foresaw or predicted a long period of peaceful relations in the world before the general advent of socialism."

Unquote from Teheran and America, pages 43 and 45.

Returning to Duclos:

"The new political course outlined by Browder found but few adversaries among the leading militants of the CPUSA. At the enlarged session of the political bureau of the party, those who spoke up violently against Browder were William Foster, president of the CPUSA, and

W/b16

Darcy, member of the central committee and secretary of the Eastern Pennsylvania district.

"Foster expounded his differences with Browder in two documents -- in a letter to the national committee of the CPUSA and in his introductory speech to the extraordinary session of the national committee on Feb. 8, 1944.

"In these two documents, Foster criticizes Browder's theoretical theses regarding the change in the character of monopoly capital in the USA, the perspectives of postwar economic development, as well as Browder's position on the question of the Presidential elections.

"In his Feb. 8 speech Foster also attacks those who, on the basis of Browder's theses, suggested that strikes be renounced in the postwar period.

"But in neither one of these documents did Foster openly take a stand against the dissolution of the Communist Party."

Now quoting from Foster:

"In his report Comrade Browder, in attempting to apply the Teheran decisions to the United States, drew a perspective of a smoothly working national unity, including the decisive sections of American finance capital, not only during the war but also in the postwar; a unity which (with him quoting approvingly from Victory and

W/b17

After), would lead to a "rapid healing of the terrible wounds of the war" and would extend on indefinitely, in an all-class peaceful collaboration, for a "long term of years." In this picture, American imperialism virtually disappears, there remains hardly a trace of the class struggle, and Socialism plays practically no role whatever.' (Foster Letter to Members of National Committee.

"Foster violently criticized Browder because the latter while outlining a new course in the activity of the American CP, had lost sight of several of the most fundamental principles of Marxism-Leninism."

9-2

Quoting again from Foster:

"It seems to me that Comrade Browder's rather rosy outlook for capitalism is based upon two errors. The first of these is an underestimation of the deepening of the crisis of world capitalism caused by the war. When questioned directly in Political Bureau discussion, Comrade Browder agreed that capitalism has been seriously weakened by the war, but his report would tend to give the opposite implication. The impression is left that capitalism has somehow been rejuvenated and is now entering into a new period of expansion and growth."

End quote from Foster and return to Duclos:

"According to Foster, world capitalism can surely

W/b18

count on a certain postwar boom, but it would be wrong to think that capitalism, even American capitalism, could maintain itself at the production level attained in wartime, and resolve, in a measure more or less satisfactory to the working class, the complex problems which will arise after the war.

"Without diminishing the importance of the Teheran conference, Foster considered, nevertheless, that it would be an extremely dangerous illusion to think that the Teheran conference had liquidated the class struggle, as it appears from Browder's speech. The fact that capitalism has learned to live in peace and in alliance with socialism is far from meaning that American monopoly capitalism has become progressive and that it can henceforth be unreservedly included in national unity in the struggle for the realization of the Teheran conference decisions."

Quoting again now from Foster:

"The class nature of imperialistic capitalism,' Foster asserted, 'is reactionary. That is why national unity with it is impossible. The furious attack of these circles against the democratic Roosevelt government -- does this not supply a convincing proof? Can one doubt, after that, that the monopolist sections in the U. S. are enemies and not friends of the Teheran decisions as

W/b19

Earl Browder thinks?"

Continuing:

"The danger in this whole point of view is that, in our eagerness to secure support for Teheran, we may walk into the trap of trying to cooperate with the enemies of Teheran, or even of falling under their influence. Trailing after the big bourgeoisie is the historic error of social-democracy, and we must be vigilantly on guard against it."

Unquote from Foster letter to Members of the National Committee. Returning to Duclos:

"Foster also criticized Browder for his attitude toward the National Association of Manufacturers, which is, in his opinion, one of the most reactionary organizations of monopoly capital in the U. S. However, Browder thought he had to approve a certain number of the economic measures of this association. He accepts its central slogan, that of 'free private enterprise,' which is in reality basically reactionary and contrary to the Roosevelt policy. What is more, Browder, counting on seeing workers' wages increased 100 percent after the war, invites U. S. monopolists to share his good intentions and says to them: '(You) must find the solution in order to keep their plants in operation.'"

Unquote.

W/b20

"Citing these words of Browder's Foster declared:"

Quoting from Foster:

"In my opinion, it would be a catastrophe for the labor movement if it accepted such a plan or such an idea, even if only provisionally. Starting from a notoriously erroneous conception, that U. S. monopoly capitalism can play a progressive role Comrade Browder looks askance at all suggestions tending to subdue the monopolies, whereas CP can accept only one policy, that of tending to master these big capitalists now and after the war. In calling for the collaboration of classes, Browder sows wrong illusions of tailism in the minds of trade union members. Whereas the job of the trade unions is to elaborate their policy and dictate it to the big employers."

End of quote. Returning to Duclos:

"As to the problems of postwar organization, Foster repudiated all illusions regarding the self-styled progressive role of monopoly capital. America, Foster declared, will emerge from the war as a powerful state in the world, the industrial magnates will be rather inclined to dictatorial acts than to compromises, and it is hardly likely, he added, that we can expect a progressive program from them."

Now, quoting from Foster:

"So far as the bulk of finance capital is concerned,

W/b21

starting out with a prewar record of appeasement, it has, all through the war, followed a course of rank profiteering and often outright sabotage of both the domestic and foreign phases of the nation's war program, especially the former. While these elements obviously do not want the United States to lose the war, they are certainly very poor defenders of the policy of unconditional surrender. In the main, their idea of a satisfactory outcome of the war would be some sort of a negotiated peace with German reactionary forces, and then generally to achieve a situation that would put a wet blanket on all democratic governments in Europe."

Unquote from Foster. Back to Duclos:

"Foster thinks that Browder is right when he says that the question of socialism is not the issue of the present war and that to pose this question would only result in restricting the framework of national unity. But considering the fact that the successes of the USSR will increase the interest of the masses in socialism, the Communists must explain to the workers the importance of the socialist development of our epoch and the way in which it concerns the U. S., for otherwise the Social Democrats could represent themselves as a part of socialism."

Continuing to quote from Foster --continuing quote

W/b22

is wrong. Beginning the quote from Foster:

"The enforcement of the Teheran decisions, both in their national and international aspects, demands the broadest possible national unity, and in this national unity there must be workers, farmers, professionals, small businessman and all of the capitalist elements who will loyally support the program."

End quote from Foster's letter to Members of the National Committee. Returning to Darcy:

"Foster's letter to the National Committee and his speech at the extraordinary session of the National Committee on Feb. 8, 1944, against Browder's line, provoked violent criticism from those in attendance. Most speakers rejected Foster's arguments and supported the 'new course' of the CPUSA outlined by Browder.

"Speaking during the meeting against Browder, Darcy said that in his opinion Foster's speech was not aimed at diminishing Browder's authority. Like Foster, Darcy violently criticized the interpretation given by Browder of the Teheran decisions and asserted that the political agreement of the big three powers who constitute the Teheran conference should not be considered as an agreement on the principal postwar economic problems.

"Afterwards Darcy was expelled from the Party by the Congress on the proposal of a commission named by the

W/b23

Central Committee and headed by Foster, because, as the decision says, by sending to Party members a letter containing slanderous declarations on Party leaders, he attempted to create a fraction within the Party, and because he submitted the letter in question to the bourgeois press.

"After the extraordinary session of the National Committee, a discussion on Browder's report to the plenary assembly of the Central Committee was opened in the basic organizations of the Party, in regional congresses and the Party press.

"According to information published in the Daily Worker, after the discussion the organizations and regional congresses of the Party unanimously accepted Browder's proposals. As to Foster, he declared at the extraordinary session of the National Committee that he did not intend to make known his differences with Browder outside the Party Central Committee.

"The Congress of the CPUSA (held May 20, 1944) heard Browder's report in which he expressed his opinions regarding the political situation in the U. S. and he proposed adoption of a new course in the policy of Communists of the U. S.

"Proposing a resolution on the dissolution of the CPUSA, Browder declared:

"On Jan. 11 the National Committee of the Communist

w/b24

Party in the interest of national unity and to enable the Communists to function most effectively in the changed political conditions and to make still greater contributions toward winning the war and securing a durable peace, recommended that the American Communists should renounce the aim of partisan advantage and the party form of organization ...

"With that purpose, I propose in the name of the National Committee and in consultation with the most important delegations in this Convention, the adoption of the following motion:

"I hereby move that the Communist Party Of America be and hereby is dissolved..."

End of quotation from page 11 of Proceedings.

"After having accepted the resolution on dissolution of the CP, the congress of the CPUSA proclaimed itself the constituent congress of the Communist Political Association of the United States and adopted a programmatic introduction to the Association's statutes. In this introduction it is said:

"The Communist Political Association is a non-party organization of Americans which, basing itself upon the working class, carries forward the traditions of Washington, Jefferson, Paine, Jackson and Lincoln, under the changed conditions of modern industrial society.

"It seeks effective application of democratic principles to the solution of the problems of today, as an

W/b25

advanced sector of the democratic majority of the American people.

"It upholds the Declaration of Independence, the United States Constitution and its Bill of Rights, and the achievements of American democracy against all the enemies of popular liberties.

"It is shaped by the needs of the nation at war, being formed in the midst of the greatest struggle of all history; it recognizes that victory for the free peoples over fascism will open up new and more favorable conditions for progress; it looks to the family of free nations, led by the great coalition of democratic capitalist and socialist states, to inaugurate an era of world peace, expanding production and economic well-being, and the liberation and equality of all peoples regardless of race, creed or color."

Continuing quote:

"It adheres to the principles of scientific socialism, Marxism, the heritage of the best thought of humanity and of a hundred years' experience of the labor movement, principles which have proved to be indispensable to the national existence and independence of every nation: it looks forward to a future in which, by democratic choice of the American people, our own country will solve the problems arising out of the contradiction between the social character of production and its private ownership,

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incorporating the lessons of the most fruitful achievements of all mankind in a form and manner consistent with American traditions and character.....!"

That is the end of the quotation from the preamble of the Communist Political Association, and returning to Duclos:

"The Constituent Congress of the CPA adopted a main political resolution, 'National Unity for Victory, Security and a Durable Peace.'"

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"The resolution points out the exceptional importance of the Teheran conference decisions for victory over the aggressor and establishment of a lasting peace. It calls for reinforcement of national unity as the necessary conditions for the application of those historic decisions.

"By national unity is meant union of all patriotic forces from Communists, Laborites to adherents of the Democratic and Republican parties. All ideological, religious and political differences must be subordinated to this unity. The resolution stresses the exceptional importance of the 1944 elections on whose results depend the country's unity and destiny. It recognizes the increasingly important role of the working class in national unity, the growing activity and its political influence.

"The resolution flays the reactionary policy of groups led by Dupont, Hearst, McCormick, characterizing this policy as pro-fascist and treason, and calling on the American people to struggle against these groups.

"The resolution then says that the majority of the American people is not yet -

THE COURT: What resolution is he talking about there?

C 2
1245p

MR. GREEN: He is referring to the resolution entitled "National Unity for Victory, Security and a Durable Peace", adopted by the Constituent Congress of the Communist Political Association.

THE COURT: In other words, Browder's program.

MR. GREEN: That is correct.

"convinced of the need for a more radical solution to social and economic problems with the aid of nationalization of big industry or by means of establishing socialism.

"That is why the immediate task consists in obtaining a higher level of production in the framework the existing capitalist regime. With this, private employers must receive all possibilities to solve the problem of production and employment of labor. Solution of these problems is likewise, in the first place, linked to the maximum increase in the American people's purchasing power and extension of foreign commerce. If private industry cannot solve these tasks, the government must assume responsibility for their realization.

The resolution expresses itself against anti-Semitism, anti-Negro discrimination, calls for the outlawing of the 'fifth column' and for the banning of calls by the latter for a negotiated peace with the aggressor.

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1245p

"The resolution concludes in these terms:

"For the camp of national unity, which is composed of the patriotic forces of all classes, from the working people to the capitalists, rests and depends upon the working class, the backbone and driving force of the nation and its win-the-war coalition. It requires the extension of labor's united action of the AFL, the CIO and Railroad Brotherhoods. It requires the most resolute development of labor's political initiative and influence with labor's full and adequate participation in the government.

"We Communists, as patriotic Americans, renew our sacred pledge to the nation to subordinate everything to win the war and to destroy fascism.

(Resolutions, p. 7)

"In addition to the resolution on 'National unity', the CPA Congress passed a series of other decisions; on transition from war to peacetime production; on international trade union unity; on the CPA's wage policy; on political life as regards demobilized veterans; on work among women; on farmers; on the situation in the southern states; on suppressing the poll tax; on the fight against anti-Semitism; on unity among countries of the western hemisphere and on the 55th anniversary of the Communist movement in the

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U. S.

"The congress unanimously elected Browder president of the CPA.

"The CPA Congress addressed a message to Comrade Stalin and the Red Army saying especially:

"In every American city and village, every factory and farm of our great land, men and women and children of all classes speak with wonder and deep gratitude of the heroic achievements of the Soviet Union and its valiant Red Army. Every day since the brutal and treacherous common Fascist enemy violated your borders on June 22, 1941, more of the American people have come to know and love your leaders and your people.

"The political and military leadership of the USSR and its mighty Red Army is applauded not only by our great political and military leaders, but by our workers, farmers, businessmen, professional people, artists, scientists and youth. The appeasers of the Hitlerites and the enemies of our common victory, who have been trying to frighten us with Hitler's 'Soviet bogey' have not succeeded in blinding our people to the realities. Your deeds daily speak with an authority that drowns their poisonous words.

THE COURT: Who is talking now?

C 5
1245p

MR. GREEN: This is a quotation from the resolution of the Congress of the Communist Political Association to Comrade Stalin and the Red Army.

THE COURT: How soon will you get to the material part of this, for which it is offered, the Duclos portion?

MR. GREEN: If Your Honor please, I have read two-thirds of it. It is our position that all of it is material.

THE COURT: Very well. I know how difficult it must be for the jury to follow it. More or less, I am trained to do that sort of thing and I find it a little difficult without having the text before me, but I will try to summarize it when you get through.

MR. GREEN: Continuing the quotation from the message to Stalin:

"As the relentless offensives of your mighty forces drive the Nazis from your soil, bringing nearer the day of your common and final victory over the Fascist enemy, we grow ever more conscious of our enormous debt to you, the leaders and fighters and peoples of the great Soviet land. The names of your liberated towns and villages are daily on our lips, the name of Stalin and the names of your countless heroes enshrined in our hearts.

"Daily more and more our people understand why

C 6
1245p

it is that yours, the world's first Socialist state, has given the world such an unparalleled example of unity, heroism, individual initiative and a new discipline in the art and science of warfare.

THE COURT: This is still Browder talking to Stalin?

MR. GREEN: Yes, sir.

"All patriotic Americans are determined to strengthen still further the concerted action of the United Nations, and its leading coalition of our country, the Soviet Union and England on which our assurance of victory rests. They are determined to continue and deepen this coalition in the peace to come and to extend the friendship among our peoples which will cement the alliance of our two powerful nations as the mainstay of victory, national freedom and an enduring peace."

That is the end of the message from the Communist Political Association to Stalin. Returning to Ducloux:

"After the constituent congress, the leadership of the CPA waged a campaign of explanation on the aims and tasks of the Association.

"In one of his speeches Browder said:

'That is why we dissolved the Communist Party, renounced all aims of partisan advancement, and

C 7
1245p

regrouped ourselves into the nonpartisan Communist Political Association. That is why we are ready and willing to work with any and all Americans who place victory in the war as the first law, and who move toward such a minimum program as we have outlined for the solution of our postwar problems. This is why we do not associate ourselves with any other political party, but rather with the most forward-looking men in all parties", quoting from the article entitled "The War and Elections, appearing in the Daily Worker of June 18th, 1944.

"Explaining the functions of the CPA, its organizational secretary, Williamson, declared:

"As regards the functioning of the Association, we emphasize that this means manifold increase and improvement in every aspect of political-educational activity, on a national, state and local club basis. We must become known as an organization whose grasp of Marxism provides us with correct answers to the complex political problems confronting the people. While the members belong to, and are active in, every type of mass organization - political, economic, cultural, fraternal, etc., the Association in its own name will speak out boldly and with initiative on all issues and policies (From Williamson in the

C 8
1245p

Proceedings of the CPA Congress.)

"The practical activity of the CPA since the congress was subordinated to the principal task of the hour; active participation of the CPA in the 1944 election campaign.

"The national CPA congress unanimously backed Mr. Roosevelt's Presidential candidacy. In their speeches, Browder and the other leaders of the CPA in the name of the CPA supported Mr. Roosevelt's election to a fourth term. The regional-state organizations of the CPA and local clubs carried on an active propaganda campaign in favor of Mr. Roosevelt and congressional candidates favorable to Mr. Roosevelt.

"On September 25, 1944 during a meeting called by the New York CPA on the 25th anniversary of the Communist movement in the U. S. Browder gave a speech in which he declared:

'Every group, however, small, just as every individual has the same supreme duty to make its complete and unconditional contribution to victory. We must give not only our lives, but we must be ready also to sacrifice our prejudices, our ideologies, and our special interests. We American Communists have applied this rule first of all to ourselves.

"We know that Hitler and the Mikado calculated

C 9
1245p

to split the United Nations on the issue of Communism and anti-Communism; we know that the enemy calculated to split America on this issue in the current elections and thus prepare our country for withdrawal from the war and a compromise peace. We therefore set ourselves, as our special supreme task, to remove the Communists and Communism from this election campaign as in any way an issue, directly or indirectly.'

Continuing with Browder:

"To this end we unhesitatingly sacrificed our electoral rights in this campaign, by refraining from putting forward our own candidates; we went to the length of dissolving the Communist Party itself for an indefinite period in the future; we declared our readiness to loyally support the existing system of private enterprise which is accepted by the overwhelming majority of Americans, and to raise no proposals for any fundamental changes which could in any way endanger the national unity; we went out into the trade unions and the masses of the people, straightforwardly and frankly using all our influence to firmly establish this policy of national unity; we helped with all our strength to restrain all impulses toward strike movements among the workers, and

C 10
1245p

to prepare the workers for a continuation of national unity after the war.

"As spokesman for American Communists I can say for our small group, that we completely identify ourselves with our nation, its interests, and the majority of its people, in this support for Roosevelt for President and Truman for Vice President.

"We know quite well that the America that Roosevelt leads is a capitalist America, and that it is the mission of Roosevelt, among other things, to keep it so. We know that only great disasters for our country could change this perspective of our country from that of capitalism to that of socialism, in the foreseeable future. Only failure to carry through the war to victory, or a botching of the peace and failure to organize it or the plunging of our country into another economic catastrophe like that of the Hoover era, could turn the American people to socialism.

"We want our country's economy fully at work, supplying a greatly multiplied world market to heal the wounds of the world, a greatly expanded home market reflecting rising standards of living here, and an orderly, cooperative and democratic working out of our domestic and class relationships, within a continuing national unity that will reduce and event-

C 11
1245p

ually eliminate large domestic struggles.

"That is why American Communists, even as our great Communist forebears in 1860 and 1864 supported Abraham Lincoln, will in 1944 support Franklin Delano Roosevelt for President of the United States.

THE COURT: I think this is the time to give you a little relief.

Is the rest of this from Duclos or still from Foster to Browder?

MR. GREEN: If Your Honor please, with one or two exceptions, that is the last quotation, and Duclos in the next, which is only approximately one-sixth of what I have read so far, gets down to what I presume is the heart of the matter.

THE COURT: All right, take our recess until two o'clock.

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

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Ows 2pm.

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AFTERNOON SESSION

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

Thereupon,

JOHN LAUTNER,

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

DIRECT EXAMINATION (continued)

THE COURT: You may continue, Mr. Green.

MR. GREEN: Thank you, Your Honor.

Members of the jury, I will continue with my
reading of the Jacques Duclos letter in the Daily Worker of
New York, Thursday, May 24, 1945. You recall that just
before luncheon I concluded the quotation from the speech
given by Browder on the Twenty-Fifty Anniversary of the
Communist Movement in the United States. After finishing
the quotation, Duclos continues:

"As to Browder's attitude toward the Soviet Union,
he highly appreciates the USSR's role in the United
Nations system and in the work of finally crushing
Hitlerite Germany and establishing a lasting peace after
the war. Browder stressed more than once that the
Soviet state built by Lenin and Stalin constitutes the
irreplaceable force which saved the world from fascist
slavery and he called for it to be made known to all

Americans all the wisdom of Leninist - Stalinist theory that made the Soviet Union great and powerful.

"From an organizational point of view, the CPA structure is as follows: the basic organizational cell is the territorial club whose general meeting is called once a month. Between general membership meetings all the work planned by the club is carried out by its committee, made up of the most active members. The clubs are subordinated to regional CPA councils. The leading organization of the CPA is the National Committee elected for two years at the Association congress. The Association's president and 11 vice-presidents elected by the congress comprise the permanent leading organization of the Association.

"The CPA congress set forth maintenance of the principle of democratic centralism as the structural basis of the Association. Williamson, CPA organizational secretary, explained to the congress in these terms the application of the democratic centralism principle of the CPA:

"...While maintaining a structure and minimum organizational requirements compatible with the character of a Marxist political educational association, we must grant greater autonomy to the lower organizations, emphasize that democracy is a two-way street

3

from top to bottom and bottom to top, and eliminate all rigidity of organization.' (Williamson, Proceedings, p. 58.)

"The national congress of the Political Association adopted the CPA constitution in which it said that everyone who wishes to belong to the CPA accepts its program and its line.

"Explaining who can belong to the Association, the Daily Worker wrote," quoting from the article by Williamson in the Daily Worker of February 1944.

"We can ask of new applicants to membership in the Party only loyalty to the principles that are already comprehensive to all workers, devotion to the most basic duties of action today; plus a willingness and eagerness to study the program and history and the theory which will make them thorough Communists. And above all a willingness to fight, to sacrifice in the war of mankind against Nazi enslavement is the first requirement for entering the Communist Party.' (Minor, D. W., Feb. 1944.)

"At the time of its dissolution the Communist Party of the United States, according to Browder's declaration, had 80,000 members without counting the 10,000 Party members in the army. According to the Congress decisions all members of the CPUSA are members

of the CPA and must register before July 4, 1944.

As the Daily Worker announced, up to July 16, 1944, hardly 45,000 persons had gotten themselves registered.

"Without analyzing in detail Browder's full position on the dissolution of the CPUSA and creation of the Communist Political Association, and without making a developed critique of this position, one can nevertheless deduce from it the following conclusions:

"1. The course applied under Browder's leadership ended in practice in liquidation of the independent political party of the working class in the U. S.

"2. Despite declarations regarding recognition of the principles of Marxism, one is witnessing a notorious revision of Marxism on the part of Browder and his supporters, a revision which is expressed in the concept of a long-term class peace in the United States, of the possibility of the suppression of the class struggle in the postwar period and of establishment of harmony between labor and capital.

"3. By transforming the Teheran declaration of the Allied governments, which is a document of a diplomatic character, into a political platform of class peace in the United States in the postwar period, the American Communists are deforming in a radical way the meaning of the Teheran declaration and are

5

sowing dangerous opportunist illusions which will exercise a negative influence on the American labor movement if they are not met with the necessary reply.

"4. According to what is known up to now, the Communist Parties of most countries have not approved Browder's position and several Communist Parties (for example that of the Union of South Africa and that of Australia) have come out openly against this position, while the Communist Parties of several South American countries (Cuba, Colombia) regarded the position of the American Communists as correct and in general followed the same path.

"Such are the facts. Such are the elements of understanding which permit passing judgement on the dissolution of the American Communist Party. French Communists will not fail to examine in the light of Marxist-Leninist critique the arguments developed to justify the dissolution of the American Communist Party. One can be sure that, like the Communists of the Union of South Africa and of Australia, the French Communists will not approve the policy followed by Browder for it has swerved dangerously from the victorious Marxist-Leninist doctrine whose rigorously scientific application could lead to but one conclusion, not to dissolve the American Communist Party but to work to strengthen

6

it under the banner of stubborn struggle to defeat Hitler Germany and destroy everywhere the extensions of facism.

"The fact that all the members of the Communist Party of the United States did not sign up automatically in the Communist Political Association shows that the dissolution of the Party provoked anxieties, perfectly legitimate besides.

"In the United States the omnipotent trusts have been the object of violent criticism. It is known, for instance, that the former Vice-President of the United States, Henry Wallace, has denounced their evil doings and their anti-national policy.

"We too, in France, are resolute partisans of national unity, and we show that in our daily activity, but our anxiety for unity does not make us lose sight for a single moment of the necessity of arraying ourselves against the men of the trusts.

"Furthermore one can observe a certain confusion in Browder's declarations regarding the problem of nationalization of monopolies and what he calls the transition from capitalism to socialism.

"Nationalization of monopolies actually in no sense constitutes a socialist achievement, contrary to what certain people would be inclined to believe.

7

No, in nationalization it is simply a matter of reforms of a democratic character, achievement of socialism being impossible to imagine without preliminary conquest of power.

"Everyone understands that the Communists of the United States want to work to achieve unity in their country. But it is less understandable that they envisage the solution of the problem of national unity with the good will of the men of the trusts, and under quasi-idyllic conditions as if the capitalist regime had been able to change its nature by some unknown miracle.

"In truth, nothing justifies the dissolution of the American Communist Party, in our opinion. Browder's analysis of capitalism in the United States is not distinguished by a judicious application of Marxism-Leninism. The predictions regarding a sort of disappearance of class contradictions in the United States correspond in no wise to a Marxist-Leninist understanding of the situation.

"As to the argument consisting of a justification of the Party's dissolution by the necessity of not taking direct part in the presidential elections, this does not withstand a serious examination. Nothing prevents a Communist Party from adapting its electoral

8

tactics to the requirements of a given political situation. It is clear that American Communists were right in supporting the candidacy of President Roosevelt in the last elections, but it was not at all necessary for this to dissolve the Communist Party.

"It is beyond doubt that if, instead of dissolving the Communist Party of the United States all had been done to intensify its activity in the sense of developing an ardent national and anti-fascist policy, it could very greatly have consolidated its position and considerably extended its political influence. On the contrary, formation of the Communist Political Association could not but trouble the minds and obscure the perspectives in the eyes of the working masses.

"In France, under cover of Resistance unity, certain suggestions for the liquidation of the parties have been circulated, with more or less discretion, during the last months, but none among us has ever thought of taking such suggestions seriously. It is not by liquidating the Party that we would have served national unity. On the contrary we are serving it by strengthening our Party. And as far as the American Communists are concerned, it is clear that their desire to serve the unity of their country and the cause of human progress places before them tasks which pre-suppose the existence of a

powerful Communist Party.

"After the Teheran decisions came the Yalta decisions which expressed the will of the Big Three to liquidate fascism in Germany and to help the liberated peoples to liquidate the remnants of fascism in the different countries.

"It is scarcely necessary to recall that the material bases for fascism reside in the trusts, and the great objective of this war, the annihilation of fascism, can only be obtained to the extent in which the forces of democracy and progress do not shut their eyes to the economic and political circumstances which engendered fascism.

"The American Communists have an especially important role to play in the struggle taking place between the progressive forces of the earth and the fascist barbarism.

"Without any doubt they would have been in a better position to play this role in the interests of their country and human progress if, instead of proceeding to dissolve their Party, they had done everything to strengthen it and make of it one of the elements of the assembling of the broad democratic masses of the United States for the final crushing of fascism, that shame of the 20th Century. It would be

useless to hide the fact that fascism has more or less concealed sympathizers in the United States, as it has in France and other countries.

"The former Vice-President of the U.S., Henry Wallace, present Secretary of Commerce, said rightly that one cannot fight fascism abroad and tolerate at home the activity of powerful groups which intend to make peace 'with a simple breathing spell between the death of an old tyranny and the birth of a new.'

"The Yalta decisions thwart these plans, but the enemies of liberty will not disarm of their free will. They will only retreat before the acting coalition of all the forces of democracy and progress.

"And it is clear that if Comrade Earl Browder had seen, as a Marxist-Leninist, this important aspect of the problems facing liberty-loving peoples in this moment in their history, he would have arrived at a conclusion quite other than the dissolution of the Communist Party of the United States."

Now, Your Honor, I would like to have this marked in lieu of the original which was offered, if Your Honor please.

THE COURT: Very well.

By Mr. Flynn:

Q You had testified that on your return from the

11

armed services or after your discharge that you had gone to a convention of the Communist Political Association? I think you so testified.

A Yes.

Q And it had been suggested to you by Williamson, I think you said that you study and read this Duclos article?

A Yes.

Q Now, after you had read and studied it, was that prior to your going to this convention?

A Yes.

Q At this convention which was held, you stated in New York -- I don't recall the date. Can you tell us the date again?

A It was towards the end of July in 1945 in the Fraternal Club House, which is in the forties, around Times Square, around 47th or 48th Street.

Q At that convention was the Duclos article discussed?

A At the convention itself references were made to the Duclos article, but the article in its entirety was not discussed to my knowledge. References were made to it.

Q What was the business that was conducted at this convention? You said it was a special convention. What kind of special convention?

A It was a special convention called to re-evaluate Browder's position, and preceding this National Convention

12

there was a draft resolution issued by the National Committee, and that draft resolution and the Duclos article served as a pre-convention discussion on the basis ^{of} which state organizations elected delegates to this special convention; so the Duclos article was not the subject matter in its entirety at the convention but for pre-convention deliberations of the Communist Party at this convention, and on the basis of the draft resolution and the Duclos article certain steps were taken such as the reconstitution of the Communist Party and the elimination of Browder and his policies of leadership.

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Q Now, I show you here the Daily Worker, New York, Monday, June 4, 1945. Do you identify that as the Daily Worker of that date?

A Monday, June 4, 1945, correct.

Q Now, in this paper there seems to be what is headed "The Present Situation and Next Tasks." Is that the draft resolution that you were referring to?

A Yes, this is the draft resolution issued by the National Board of CPA and adopted by the National Board at June 2, 1945, and it was sent out to the Party organization.

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

Q (By Mr. Flynn) Before doing that, I want to ask you whether or not the heading there indicates who was responsible for this draft resolution and what it is supposed to show.

A It says here that this resolution --

Q Well, start here.

A "This resolution is submitted as a draft for discussion and action by the National Committee and the entire membership of the Communist Political Association.

"The vote on the resolution in the National Board was as follows:

"FOR: Morris Childs, Benjamin Davis, Jr., Eugene Dennis, Elizabeth Gurley Flynn, James Ford, William Z. Foster, Gilbert Green, Robert Minor, Robert Thompson,

W/b2

John Williamsen.

"AGAINST: Earl Browder.

"ABSTAINED: Roy Hudson.

"ABSENT: William Schneiderman."

MR. FLYNN: At this point I would like to offer that paper in evidence.

THE CLERK: Government's Exhibit 18.

(Thereupon, Daily Worker, New York, Monday, June 4, 1945, was marked Government's Exhibit No. 18.)

THE COURT: You say it contained the resolution proposed to be acted on?

MR. FLYNN: Yes, that was the resolution, and then I would like to substitute this photostat of it, sir, at the present time.

THE COURT: Well, the resolution has not been read.

MR. FLYNN: It has not been read, and it is a little bit lengthy, and I am just wondering whether or not we would save time to have Mr. Lautner describe what the resolution was and on cross-examination -- if you want it all read we will certainly do it.

MR. BUCHMAN: I think it had better be read, Your Honor.

MR. FLYNN: All right, if you will, then, Mr. Green, will you read the resolution?

MR. GREEN: From page 4 of the Daily Worker, New

w/b23

York, Monday, June 4, 1945, titled "The Present Situation and Next Tasks - Resolution of the National Board, CPA, Adopted on June 2, 1945".

THE COURT: Just a minute. Possibly I am not quite clear about this. It was a resolution passed at this meeting?

MR. FLYNN: Yes, sir.

THE COURT: Is this the resolution that was passed?

MR. FLYNN: That is true, is it not, the resolution was passed at that meeting?

THE WITNESS: This is the draft resolution that was passed by the National Board and sent out to the Party organization for discussion and action. And also, this draft resolution served as the base for the national convention, that special convention, and that draft resolution finally was shaped up and finalized and became the main resolution of the 1945 national convention, special national convention, of the Communist Party.

THE COURT: I would think that the final draft of it, what was actually adopted, would be more germane here than the proposed one.

MR. GREEN: I think that is quite true, sir, and, with Your Honor's permission, we will not read the draft resolution but wait until we get to the resolution that was in fact passed.

W/b4

THE COURT: Yes, I think that is better. It will save time. In the meantime, this is in evidence and anybody who wants to refer to it can do so.

Q (By Mr. Flynn) I want to show you this, Mr. Lautner, please. See if you can identify that paper.

A This is the Daily Worker, June 22, 1945 edition.

Q Now, on page 2 of that is there a heading "CPA National Committee Backs Resolution, Calls Convention"?

A Yes.

Q Now, without going into any great detail, what does that mean? Is that a call for a convention, or what does that article purport to say?

MR. BUCHMAN: Objection, Your Honor. If I could take a look at it maybe we could simplify it.

(After referring to document.)

Your Honor, I don't like to prolong things by reading them, but I think it would be better rather than having them summarized.

THE COURT: How long is it?

MR. FLYNN: Very short, not very long, sir.

MR. GREEN: Six paragraphs, sir, quite brief.

MR. FLYNN: Before you start reading it, Mr. Green, if Your Honor please, I would like to offer this in evidence.

THE COURT: Very well.

THE CLERK: Government Exhibit 19.

W/b5
12-2

(Thereupon, Daily Worker, New York, Friday, June 22, 1945, was marked Government Exhibit No. 19.)

MR. FLYNN: Mr. Green, read it, please.

MR. GREEN: From page 2, Daily Worker, New York, Friday, June 22, 1945. The heading on it is:

"CPA National Committee Backs Resolution, Calls Convention.

"The National Committee of the Communist Political Association at the conclusion of its sessions held in New York City, June 18, 19, 20, released the following statement on its actions:

"1. The National Committee by a vote of 53 to 1 (the sole vote in opposition cast by Earl Browder) approved the main line of the resolution of the National Board on The Present Situation and the Next Tasks. An editorial committee was established and authorized to incorporate in the resolution all amendments made by the members of the National Committee and the membership throughout the country. The draft resolution as amended then shall be placed before the membership for its consideration in the present discussion and for final adoption at the National convention.

"2. The National Committee concluded that the responsibility for the opportunist errors and mistakes of the CPA -- which are correctly characterized in the

W/b6

draft resolution of the Board and the Duclos article -- rests in the first place upon Comrade Browder, the chief architect of the revisionism. Full responsibility for these right opportunist deviations must also be shared by the entire national leadership and particularly by the National Board, with the exception of Comrade Foster.

"3. The National Committee unanimously agreed on the convening of a special national convention in New York City July 26, 27, 28, in order that the membership shall be able to express itself conclusively and finally on the political line and immediate tasks confronting the CPA; review the present work and responsibility of the National Board and National Committee collectively and individually; and refresh and strengthen the national leadership of the CPA. The National convention of course will be subject to ODT regulations which limit attendance to 50 people outside of metropolitan New York and prior to the month of August when further restrictions to travel will be put into effect. With the size of the convention circumscribed by the ODT regulations, provis_i_ons shall be made for the calling of state conventions composed of delegates elected from the clubs empowered to elect the delegates to the National Convention. The present discussion on the draft resolution

w/b7

shall be continued until the convention.

....

"5. The National Committee, in view of the early date set for a national convention, made no changes in the National Board of officers. However, it elected a committee consisting of four National Board members and nine members of the National Committee, to make a political examination of the leading cadres, a preliminary view of the responsibilities of the present national leadership, collectively and individually, and to propose recommendations for strengthening and refreshing the national leadership. The committee elected consists of Israel Amter, David Davis, Bella Dodd, Eugene Dennis, William Z. Foster, Rose Gauden, Ben Gold, Nat Ganley, Ray Hansbrough, Charles Krumbein, Robert Thompson, Louis Weinstock, John Williamson. The findings of the committee shall be submitted to the national convention as information.

"6. The National Committee elected a secretariat of three members, consisting of William Z. Foster, Eugene Dennis and John Williamson, empowered with full authority to act between the meetings of the National Board, and to act as the authoritative spokesman of the CPA."

That is the end of the article.

If Your Honor please, I would like to substitute this

w/b3

photostat for the original.

THE COURT: Very well.

Q (By Mr. Flynn) Will you identify that, please, Mr. Lautner.

A The June 23, 1945 issue of the Daily Worker.

Q Now do you find in there call for the CPA convention of July 26th?

A Yes, sir, it is on page 3.

Q Page 3. Now, just read the heading of it, will you please?

A "Call CPA convention July 26."

Q Just that small print there.

A "A call for a special National Convention of the Communist Political Association was issued yesterday by the National Committee of that organization. It was signed by the secretariat of the National Committee set up by a recently concluded plenary session. The signers are William Z. Foster, Eugene Dennis, and John Williamson. To be held in New York City, the convention will meet July 26, 27 and 28. The call reads as follows:"

MR. FLYNN: Now, I don't see any necessity unless you want the whole thing read.

MR. BUCHMAN: Is it long?

MR. FLYNN: No. It is very short. If you want it read, all right.

12-3

W/b9

Q (By Mr. Flynn) Read it all, will you please?

A Yes.

"To all Members, Clubs and Committees of the CPA:

"To all State and District Conventions:

"Dear Brothers and Sisters:

"In accordance with Art. 7, Sec. 7 of the CPA Constitution the National Committee voted on June 20 to convene a special National Convention of the CPA in New York City on July 26, 27 and 28, 1945.

"The purpose of this special convention is to act upon the political line and immediate tasks confronting the CPA; to review the present work and responsibility of the National Board and National Committee, collectively and individually; and to elect a National Committee of the CPA.

"The National Committee is submitting to the membership for further discussion the Draft Resolution of the National Board as amended by the National Committee. The National Committee also established a committee of 13 members, to make a political examination of the leading cadres and a preliminary review of the responsibilities of the present leadership, and to make recommendations to this convention for strengthening and refreshing the national leadership.

"Insofar as the number of out-of-town delegates is

W/b10

limited by our compliance with the ODT travel restrictions, the basis of representation shall be one delegate for every 700 members or major fraction thereof on our books as of June 1, 1945, from every district.

"Delegates to this National Convention shall be elected by specially called State Conventions (except for special arrangements of the Pacific Coast), and shall have been members of the organization for at least one year prior to their election. These State Conventions shall be composed of delegates elected by the membership from each club. The basis of representation to the State Convention shall be set by each State Committee.

"All members in good standing, according to the Constitution (dues paid for second quarter), are eligible to be elected delegates and to participate in the election of delegates.

"An assessment of \$1 for those members who pay \$3 quarterly dues and 50 cents for those paying \$1 quarterly dues is necessary to defray the convention expenses.

"For the National Committee,

"William Z. Foster, Eugene Dennis,
John Williamson."

MR. FLYNN: If Your Honor please, I would like to offer that in evidence and substitute this photostat for it.

w/bll

THE CLERK: Exhibit 20.

(Thereupon, Daily Worker, New York, Saturday, June 23, 1945, was marked Government Exhibit No. 20.)

Q (By Mr. Flynn) Now, after these calls and your attendance at this convention, were you elected to any office or did you attend any meetings in the State of New York?

A At the convention itself I was assigned to the Veterans Commission, which was a sub-committee at the convention. Prior to the national convention I attended also as a guest delegate the state convention of the New York State organization.

Q Now, the New York State organization, just tell us briefly what did they do in reference to this draft resolution and the Duolos letter?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: What is the importance of that?

MR. FLYNN: Just to show, sir, that the local bodies carried out their function prior to the national convention, which is one of the necessities, I believe, of the organization.

THE COURT: I think you can just ask a general question, then, if he knows: Did the New York meeting approve affirmatively the draft resolution?

Q (By Mr. Flynn) Can you answer that question?

MR. BUCHMAN: I would object to that, too, Your

W/b12

Honor.

THE COURT: What i_s that?

MR. BUCHMAN: Objection to that also.

THE COURT: It is overruled.

A In compliance with the call from the National Committee the New York State organization called a convention. They discussed the draft resolution and they elected delegates to the national convention prior to the national convention. After the national convention the state convention reconvened, and they accepted and endorsed the main resolution of the Party.

Q (By Mr. Flynn) Now, you say you did attend that state convention?

A I attended the first session of the state convention prior to the national convention.

Q Did you attend the national convention?

A Yes.

Q Did you attend there in any particular capacity or just as a member of the Communist Party?

A I was invited as a guest delegate -- as guest delegate in my capacity as a Party leader, by John Williamson.

Q Guest delegate?

A That is right.

Q Now, then, were you there during the entire time of the convention, I mean all the proceedings?

w/b13

A Yes.

Q Now, at that convention was there an address by Williamson?

A One of the reports given at the convention was by John Williamson. The main report was given by William Z. Foster.

Q William Z. Foster?

A That is right.

12-4

Q I want to show you this book on the Struggle Against Revisionism. I don't think this has been in before, but you have a copy of it there. I show this book to you, on the Struggle Against Revisionism and ask you whether or not that has the Foster address in it that was made at that convention?

A Yes, this article here says that the report by William Z. Foster to the special convention of the Communist Political Association held in New York City, July 26 to 28, 1945, which reconstituted the Communist Party of the USA.

Q I don't want you to read this entire speech, but can you highlight the speech and tell His Honor and the ladies and gentlemen of the jury just what the highlights of the speech were and what the emphasis was placed on at that time?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: Isn't the adoption of the resolution the thing that is more important?

W/b14

MR. FLYNN: Yes, sir, but I think what was said at the convention is very important as to what their aims were and what they were striving for.

THE COURT: Well, you can pick out such portions of the speech as you think are important and ask whether this witness heard them or not, and if the other side thinks there are other things that ought to be mentioned, attention may be called to that.

MR. WRIGHT: Your Honor, I would object to his doing that, on the ground of its being hearsay, since none of the defendants were at that convention.

THE COURT: Very well. That objection is overruled.

MR. FLYNN: Now, I would like to have Mr. Green read appropriate parts from this document, sir, and have the witness follow them on and see if he verifies them.

THE COURT: Very well. Go ahead.

MR. BUCHMAN: If the Court please, we would like to read probably other appropriate parts. I think it would make much more coherence to the jury if the entire thing were read, and I am saying that only --

THE COURT: How long is the report?

MR. FLYNN: Oh, it is long.

MR. BUCHMAN: 13 pages.

MR. GREEN: 14 or 15 pages of this size.

THE COURT: Well, you may read what you wish of it,

W/b15

Mr. Green, or have the witness do so, and then if Mr. Buchman desires to read other portions of it I will let him do that. I think we can save time by it. We have about two hours solidly of reading matter here, and I think I can exercise some reasonable discretion on the matter.

MR. GREEN: If Your Honor please, before reading from this, might I offer it and ask that it be marked, please?

THE CLERK: Government's Exhibit 21.

(Thereupon, document entitled "On the Struggle Against Revisionism" was marked Government Exhibit No. 21.)

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MR. BUCHMAN: For the record, I want to object to the document and to its form.

THE COURT: Overruled.

MR. GREEN: Reading from page 56:

"Browder, with his revisionism, was trying to fasten a system of Right-wing bourgeois liberalism upon our Party; a liberalism so conservative that on many questions it put us far to the Right of Roosevelt, of the liberal press, and of the main sections of the labor movement. This revisionism has nothing in common with Marxism-Leninism, being a complete abandonment of its basic principles.

"A. Browder's line is a rejection of the Marxian economic doctrines. Browder has developed bourgeois theories of the liquidation of the capitalist cyclical and general crises; he rejects Marx' theory of surplus value and of the exploitation of the workers. Thus, for the past two years our Party has made no criticism whatever of capitalism as a system of human exploitation, nor has it challenged the blood-wrung profits of the employers. Instead, we have heard many comrades, without rebuke from Browder, talking about our alleged obligation to guarantee the employers, already the richest in the world, a so-called fair profit. That such shameful

C 2

nonsense should be heard in a Communist organization! When Browder adopted so glibly the slogan of 'free enterprise', he accepted in practice most of bourgeois economics along with it. With his great faith in capitalism he outdoes even such enthusiastic bourgeois economists as Chase, Hanson and Johnston.

"B. Browder's line is a rejection of the Marxian principles of the class struggle. Comrade Browder denies the class struggle by sowing illusions among the workers of a long postwar period of harmonious class relations with generous-minded employers; by asserting that class relations no longer have any meaning except as they are expressed either for or against Teheran; by substituting for Marxian class principles such idealistic abstractions as the 'moral sense', 'enlightenment', 'progressivism', and 'true class interests' of the big monopolists, as determining factors in establishing their class relations with the workers. Browder's theories of class collaboration and the harmony of interest between capital and labor are cut from the same opportunistic cloth as those of Bernstein, Legien and Compers, except that his ideas are more shamelessly bourgeois than anything ever published by those notorious revisionists of the past.

C 3

"C. Browder's line is a rejection of the Marxian concept of the progressive and revolutionary initiative of the working class, and with it, the vanguard role of the Communist Party. The very foundation of Marxism-Leninism - - -

THE COURT: Just a minute. I have reached the conclusion from what you have read that all should go out. This is a speech of just some one Communist at this Convention and I do not see that it is material in this case. I, therefore, strike out what you have read of it and the jury will disregard it. Pass on to something else, please.

MR. GREEN: If Your Honor please, I might point out that subsequent testimony will bear upon what actually transpired at the Convention and the roll that Foster played in the Convention.

THE COURT: Let's get that. It may be evidence in the case but I am satisfied from what I have heard that this should be excluded as evidence in the case. It is just the opinion of one man at the Convention.

The issues here, one of the issues that we are considering is whether it is the program and policy of the Communist Party in America at the present time to overthrow the government of the United States by force and violence, if, when and as it can be accomplished and as speedily as

C 4

ossible. That is one of the issues and I do not see what Mr. Foster has to say about it in the Convention as binding on anybody but himself.

MR. GREEN: I might point out, Your Honor, that Foster is the one who had opposed -

THE COURT: That may be so, but the action of the Convention and not Mr. Foster alone -

MR. GREEN: In view of the fact -

THE COURT: I adhere to my ruling.

MR. BUCHMAN: I simply want to take exception to the statement of issues as presented by Your Honor.

THE COURT: I said one of the issues of fact in this case is that -

MR. BUCHMAN: Is that we, the defendants, advocated and taught and whether the defendants organized that party with the intention of causing that.

THE COURT: I was merely saving time by a short expression of it. To express it word for word in the language of the indictment would take another five minutes and we have spent two or three days on it now and it is hardly necessary for me to repeat the whole phraseology of it every time. We all know the substance of it, what the government is seeking to prove in this case. Go ahead, please.

MR. FLYNN: If Your Honor please, I ask the

C 5

witness to look again at page 85, please. That, may it please the Court, is the resolution of the National Convention of the Communist Party adopted July 28th, 1945. That is the resolution. That, also, is quite long and I am just wondering whether or not this witness would not be permitted to tell what his understanding of that resolution is. Of course, we don't want to take up any more time than we possibly have to, but it is several pages in this book.

THE COURT: I frequently have to ask questions, Mr. Flynn, to see whether it is objectionable or not.

Q (By Mr. Flynn): You look at page 85 of this book. Now, does that have the resolution that was adopted by the Communist Party of the U. S. A. on July 28th, 1945?

A Yes.

Q Would you look at page 95, please, beginning with (6) and read that Section 6.

MR. BUCHMAN: I object.

THE COURT: I will let him read it to see from any objection you may wish to make whether the whole has to be read or not. It very often happens that at the end of a long resolution the effective thing is in the last few words. Whether that is so in this case or not, I don't know.

MR. BUCHMAN: I just want to state briefly, this

C 6

is what the government regards as the basic resolution bringing about the change, as I understand.

THE COURT: If it is 15 pages, it may be that the pith of it is in one sentence. I don't know.

MR. FLYNN: It is quite long..

MR. BUCHMAN: I think it should not only be read to the jury but they should be furnished with copies of it.

THE COURT: Mr. Flynn asked a question and I overruled your objection. Let him read the whole thing.

Q (By Mr. Flynn): Read Number 6 please.

A (Reading): "We recognize that the future of the Labor and progressive movements and therefore the role of the United States in world affairs will depend to no small extent upon the correctness of our Communist policy, our independent role and influence, our mass activities and organized strength.

"That is why today we Communists must not only learn from our achievements in the struggle against fascism and reaction, but also from our weaknesses and errors. In the recent period, especially since January, 1944, these mistakes consisted in drawing a number of erroneous conclusions from the historic significance of the Teheran accord. Among these false conclusions was the concept that after the military defeat of Germany, the decisive sections of his capital

C 7

would participate in the struggle to complete the destruction of fascism and would cooperate with the working people in the maintenance of postwar national unity. The reactionary class nature of finance capital makes these conclusions illusory. This has been amply demonstrated by recent events revealing the postwar aims of the trusts and cartels which seek imperialist aggrandizement and huge profits at the expense of the people.

¶This revision of Marxist-Leninist theory regarding the role of monopoly capital led to other erroneous conclusions, such as to utopian economic perspectives and the possibility of achieving the national liberation of the colonial and dependent countries through arrangements between the great powers. It also led to tendencies to obscure the class nature of bourgeois democracy, to false concepts of social evolution, to revision, to revision of the fundamental laws of the class struggle and to minimizing the independent and leading role of the working class.

¶In consequence, we Communists began to carry on the historic struggle against fascism, for democracy and national freedom, in a way that was not always clearly distinguishable from that of bourgeois

C 8

democrats and bourgeois nationalists, forgetting the class character and limitations of bourgeois democracy and nationalism. Finally, this right-opportunist deviation also tended to ignore, revise or virtually discount the fundamental contradictions of capitalism, declaring wrongly that the changed and changing forms of their expression indicated that they had ceased to operate in the period of the general crisis of capitalism.

"Furthermore, the dissolution of the Communist Party and the formation of the Communist Political Association were part and parcel of our revisionist errors, and did in fact constitute the liquidation of the independent and vanguard role of the Communist movement. As a consequence, our base among the industrial workers was seriously weakened. This further resulted in a general weakening of Communist activities and in adversely affecting the role and policies of other Marxist parties in the Western Hemisphere. Far from aiding the carrying out of such correct policy as support for Roosevelt's re-election, the dissolution of the Communist Party weakened the democratic coalition because it weakened the initiative, strength and contributions of the Communist vanguard.

MR. FLYNN: That will be enough for that. I

C 9

offer that in evidence, may it please the Court.

(The exhibit "On the Struggle Against Revisionism" was previously marked Government Exhibit 21.)

Q (By Mr. Flynn): Who were the officers elected at that Convention?

A There was a National Committee of fifty some odd members elected; the National Chairman of the National Committee was William Z. Foster; the National Committee within its own ranks elected a National Board and the National Board within itself elected a secretariat of three or four. William Z. Foster became the National Chairman of the Communist Party as it was reconstituted at this Convention.

THE COURT: That was 1945, was it?

THE WITNESS: 1945.

Q (By Mr. Flynn): I show you now the Daily Worker of July 30th, 1945, and ask you whether or not the officers elected there at that Convention are not shown on page 2.

A Yes.

MR. FLYNN: You have already gone over that, so I will just offer it in evidence and substitute a photostat copy.

(Daily Worker of July 30, 1945 marked Government Exhibit 22)

MR. WRIGHT: Will Your Honor examine that.

xx

C 10

Things are happening so rapidly here.

MR. FLYNN: It was shown to Mr. Braverman and Mr. Buchman and they knew what it was.

MR. WRIGHT: I did not see this.

MR. FLYNN: I showed it to them while I was talking to the witness about it.

MR. WRIGHT: Your Honor, I would like to move or at least to object to the present offer of this paper under the best-evidence rule. The man was elected at some convention as a result of a resolution and it seems we should have some formal proof of that rather than a newspaper article concerning it.

THE COURT: He has shown his knowledge of the matter to a certain extent. It is for the jury to accept whether he is correct or not. I do not think the best-evidence rule applies to a situation like that. He knows who were elected officers of the Party.

Q (By Mr. Flynn): Mr. Lautner, do you know Albert Labbon?

A Yes.

Q Can you tell us whether or not Albert Lannon was a National officer of the Communist Party?

MR. BUCHMAN: I object.

THE COURT: Overruled.

A Yes.

C 11

Q When was he an officer, if you know?

A He was elected either a full member or alternate member at the 1945 Convention of the Communist Party as District Organizer of the Maryland District of the Communist Party.

Q Do you know whether or not he was a member of the Communist Political Association?

A Yes, because he was present at the 1945 convention.

Q William Z. Foster, you have already mentioned him and he was an officer.

A Yes.

Q Eugene Dennis, did you know Eugene Dennis?

A Yes, Eugene Dennis was a member of the National Committee, elected at this 1945 convention and later on became the General Secretary of the Communist Party.

Q Was he also a member of the Communist Political Association?

A Yes.

Q John B. Williamson?

A Yes, John B. Williamson was Secretary of the Political Association and was elected a member of the National Committee at this convention.

Q Jacob Stachel.

A Jacob Stachel, yes, was elected a member of the National Committee at this convention and he was also a

C 12

member of the Political Association.

Q Robert G. Thompson.

A Robert Thompson was a member also of the Political Association and was elected a member of the National Committee at this convention.

Q Benjamin J. Davis, Jr.

A Benjamin Davis, Jr., was a member of the Political Association and was elected a member of the National Committee at this convention.

Q Henry Winston.

A Henry Winston was not at this convention. He was elected in absentia as a member of the new National Committee.

Q John Gates.

A John Gates was absent from this 1945 convention but was elected a member of the National Committee in absentia.

Q Irving Potash.

A Irving Potash was the Permanent Chairman of this convention, this special convention, and was elected to the National Committee at this convention.

Q Gilbert Green.

A Gilbert Green was a leading member of the Political Association and elected to the National Committee at this convention.

C 13

Q Carl Winter.

A Carl Winter was a member of the Political Association and was elected to the National Committee at this convention.

Q Gus Hall.

A Gus Hall was absent from this convention but was elected to the National Committee in absentia.

Q Well, now, in the reconstitution of the Party at this convention in 1945, when the Communist Party was reconstituted, was there any difference in the officers in that Party from the balance of the officers of the Communist Political Association which preceded it?

MR. WRIGHT: I object.

THE COURT: Overruled.

A Yes, the designation of officers was different from the designations in the Political Association. In the Political Association, Browder was President and there were 11 Vice Presidents. There was a secretary and there was a treasurer and they were elected; whereas, in the new National Committee there was a National Chairman, a large National Committee elected and the National Committee within itself organized a board and a secretariat which conformed with the basic principles of democratic centralism as far as the top structure was concerned.

Q You refer to democratic centralism. What do you

C 14

mean by that?

MR. BUCHMAN: I object.

THE COURT: I think he has shown considerable experience in the Communist Party and if that phrase has a particular meaning there, I think he can tell us what it is. We have already had it referred to here and somebody defined it but I am frank to say I do not remember what the definition is. Democratic centralism, what do you understand by that or what meaning does it have in the Party?

THE WITNESS: "Democratic centralism" is a form of organization and conduct that has its origin from the Russian Bolshevik Party based on the following principles:

(1) That committees are elected from top to bottom. There is discussion in the organization, a period of discussion after the discussion is closed. The majority decisions are the decisions of the organization as a whole and there can be no two views after that in the organization. The elected national bodies represent the views of the majority and they carry out those views and those that are in conflict with these views, they can be expelled, to the point of expulsion from the organization.

THE COURT: What did you say? Something was elected from the top to the bottom. What is the meaning of that?

C 15

THE WITNESS: From the lowest form of organization, all the way to the National Committee, they are elected. Elections are held and these various committees are elected., However, I could discuss some of the practices in the party, how democratic centralism applies.

MR. WRIGHT: I object to that as gratuitous.

THE COURT: I didn't hear you. What did you say?

THE WITNESS: I can relate some experiences as to how the rule or concept of democratic centralism was applied by the Party over here.

MR. WRIGHT: I renew my objection to that.

That is totally unresponsive to the question.

THE COURT: He is telling me what the expression means. How did that come in in connection with what you asked, Mr. Flynn?

MR. FLYNN: It has been referred to in his testimony as democratic centralism in the make-up of the Party after the convention of 1945 and I asked him to explain what that was.

THE COURT: He has explained, so go ahead.

MR. WRIGHT: I think the question has been answered when the witness gets to the question of experience. That doesn't go to the question.

THE COURT: Yes, I think his explanation is a

C 15

proper one at the moment. He said he could do so. You may object and I do not let him do it for the moment.

Q (By Mr. Flynn): You also referred, and there has been a number of references here, Mr. Lautner, you referred to revisionists. What is revisionism as understood by you in the Communist Party?

A Revisionism is a form of deviation from the basic conception of Marxism-Leninism. That is what it is, a form of deviation, trying to revise the basic conception of Marxism-Leninism under a certain set of circumstances in a given period or in a given situation.

Q Now, I understand from readings here and also your testimony that Earl Browder was accused of revisionism. Is that true?

A Well, what he was accused of was that he was trying to revise the application of Marxism-Leninism in that particular period of time when he was expounding his theory of post-war cooperation.

Q I understand from your answer that it is a violation of the rules and concepts of the Communist Party for anyone to have any revision or any idea that is any way revising the Marxism-Leninism theories or ideas?

MR. BUCHMAN: I object.

THE COURT: Overruled.

THE WITNESS: Yes, specifically Browder's main

C 17

error, I would say "error" in quotation marks, was to eliminate one of the strategic instruments of Marxism-Leninism and that was the dissolution of the Communist Party.

THE COURT: What were these instruments of Marxism-Leninism that he wished to revise or to do away with?

THE WITNESS: Well, he drew erroneous conclusions on the basis of his analysis of that given period and that given situation, so what does he do. To begin with, he eliminates the vanguard, the main instrument, strategic instrument of Marxism-Leninism, and he makes out of the party an educational organization or a debating organization, not a body of action, a party of struggle. That is one of the main errors that Browder committed, which DuBois pointed out in his letter to the American Party.

THE COURT: A struggle as to what?

THE WITNESS: A struggle towards achieving socialism in this country on the basis of the Marxist-Leninist teachings, socialism to be achieved through the dictatorship of the proletariat.

THE COURT: How is that to be brought about?

THE WITNESS: When a given set of circumstances will prevail, objective and subjective conditions.

THE COURT: Specially, is it or not an objective

C 18

of the Communist Party in America at the present time, if you know, or at the time you were expelled from it, to overthrow the government of the United States by force and violence, if, when and as it becomes feasible to do so?

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A Yes, correct. Now, when does it become feasible?
That is the question.

MR. BUCHMAN: I object to that.

THE COURT: What?

MR. BUCHMAN: I object to the whole line of questions. Is this man an expert?

THE COURT: I am sorry. I am trying to get this case down to a point where we will have some evidence bearing upon the real issue in the case, and unless we do we probably won't keep in mind the precise point.

MR. BUCHMAN: I move to strike out the whole line of testimony.

THE COURT: I overrule the objection. Go ahead.

Q (BY MR. FLYNN) Let me ask you this question. You made some reference to this opportunism. What is known as opportunism?

A Opportunism is also a deviation from the Marxist-Leninist line of the Party, from the right deviation.

Opportunism is trying to expedite or to look for short cuts in achieving basically what Marxism-Leninism looks to do or to try to explain ways, trying to make deals. It is right opportunism, it is also a form of deviation.

Q Now, Mr. Lautner, referring to these Marxist-Leninist principles, can you tell us whether or not the principles as taught and as laid down after 1945 were the

2

same or were they different than the principles and teachings that were laid down prior to your going into the army, which was prior to 1944?

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

THE WITNESS: Well --

THE COURT: I suppose you will have to establish his knowledge upon the subject. I suppose you will have to show whether he knows what the principles were.

MR. FLYNN: I will do that.

Q (BY MR. FLYNN) Prior to 1944 -- I believe you joined the Party in Twenty --

A Twenty-Nine.

Q I think you also testified that you went to school, and in that school you went into some detail as to what subjects were taught in that school. Were they the subjects that were laid down in the Marxist-Leninist Classics?

A Yes, that is so. That is correct.

Q Now, how many schools did you attend prior to your going into the United States Army?

A I attended two National Training Schools. One was organized by the National Hungarian Bureau in 1931 and in 1941 I went to the National Training School of the Communist Party which was the leading school of the Communist Party for Party functionaries.

Q Where was that held?

3

A That was a floating school in New York with seven students. It met from day to day in different places. It did not have a headquarters or school classroom. It was that kind of school in 1941.

Q How long did you attend that school?

A From February, March and April in 1941.

Q Now, who taught you in that school? Can you name them?

A The head of the school was Pop Mindel, who was the head of the National Committee School Commission, and he taught political economy.

THE COURT: Well, I don't think we are particularly interested in that --

MR. FLYNN: No, sir.

THE COURT: -- the roster of the teachers in this school.

MR. FLYNN: I agree with you, Your Honor, that we are not.

Now can I have the books that were marked for identification.

THE COURT: What I think you are asking along the line of course of the prior testimony in the case, your object now apparently, as I gather from your opening statement is to show that the teachings of the Communist Party

4
and their program prior to 1943 is the same as the principles and program of the Party at the present time?

MR. FLYNN: Yes, sir.

THE COURT: And that in 1943 there was a revision of that program through Earl Browder following on the Tehran Conference of the president of the United States, the Prime Minister of England and Mr. Stalin, who was, I believe, head of the Politburo of Russia, and in consequence of that, Browder persuaded the Party here in American to adopt a different line or program or principle, and that in 1945 Duclos, the Frenchman, persuaded the Party to go back to the principles prevailing prior to 1943.

Now, that is the question that you are trying to develop?

MR. FLYNN: Yes. I want to show by these books --

THE COURT: It may seem with respect to the questions of this witness, you have given some evidence tending to show the teaching and program of the Party prior to 1943.

MR. FLYNN: Yes.

THE COURT: And then you want to show the program and teachings of the Party since 1945, and of course more particularly during the period covered by this indictment.

MR. FLYNN: The period in the indictment is from 1945 to the date of the indictment.

Q (BY MR. FLYNN) Now, Mr. Lautner, after you said

5

you went into this school --

A Yes.

Q Prior to 1944. That was prior to your going into the army?

A Yes.

Q After you came out of the army, did you attend any schools?

A I was teaching classes.

Q You were teaching classes?

A Yes.

Q Where did you teach?

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

THE COURT: What? I don't know why you object to that. I overrule the objection.

MR. BUCHMAN: I would like to state the grounds of my objection, Your Honor.

THE COURT: What? I don't hear you.

MR. BUCHMAN: Why I object. It is ^{ir-}relevant and is hearsay as to the defendants in this case. It is hearsay as to the defendants, what he taught.

THE COURT: What?

MR. BUCHMAN: What the witness may have taught is irrelevant and hearsay and immaterial to the defendants and not binding upon them.

THE COURT: That is so in connection with the

6

individual defendants; but I assume by his answer in connection with what we have already heard in the case that he means that he was teaching the principles of the Party. In other words, that he was following the orthodox line of the Party program, and if he was not doing that, certainly you are entirely right.

MR. BUCHMAN: His teaching, as I said before, cannot bind these defendants.

THE COURT: No, but as I said before we must not forget, if that were the only possible fact in controversy, and that is whether or not it is the program of the Communist Party of the United States to overthrow the Government of the United States by force and violence as soon as is possible or as soon as circumstances permit.

That is only one thing, and if the Government can't establish that, then I imagine there is nothing to the Government's case, and if they can establish that fact, then they go on further to connect these particular defendants individually with that proposition as advocates of that proposition.

MR. BUCHMAN: Of course, our position is --

THE COURT: But we have not gotten to that second fact yet.

MR. BUCHMAN: Our position is that as to the two witnesses who have just been presented that that evidence

7

is just hearsay statements and it is not binding upon the defendants. It is just a statement of third party declarants as to these defendants, and that is hearsay.

THE COURT: That is true unless and until the Government offers evidence to establish the proposition, as I said before. We are dealing with the first thing, and if they do not prove that first thing there is no use going to the second proposition.

If they do go to the second, they have got to prove the affirmative as to each one of the defendants. Otherwise, at the end of the Government's case the jury will be instructed to acquit such of the defendants as the Government has not proven the case against.

Now, if those things are kept in mind I think we will get along faster.

Go ahead, Mr. Flynn.

Q (BY MR. FLYNN) Mr. Lautner, as instructor in the Communist Party, about which you testified, who gave you your instructions? Who told you what to teach and where you taught?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: Overruled.

THE WITNESS: I got my instructions from the New York State School Commission and from the New York County School Commission of the Communist Party.

8

I taught among others the following classes --

MR. BUCHMAN: Your Honor, that is not responsive. He then started in to an additional part of an answer which was not responsive to the question.

THE COURT: It is not responsive?

MR. BUCHMAN: He started out at a point where he said he taught the following classes, and I move to strike that out as not responsive.

THE COURT: Mr. Flynn, try to ask questions so the witness will answer the matter in such a way that it won't be subject to minor objections such as we have been hearing. Minor from my standpoint, not from their standpoint, perhaps.

Q (BY MR. FLYNN) Mr. Lautner, did you receive from your superiors any instructions in the way of an outline of teaching? Or can you identify that book (handing book to the witness)?

A I received this outline from the New York State School Commission, specifically from Alberto Morrow, who was head of the New York State School Commission. While teaching out of this outline the classes, I consulted with him numerous times on methods of teaching.

Q Now, this outline, I understand, is a complete instruction to you as to what subjects you were to teach or what books you were to use? In other words, it was a

9

complete outline to you as to everything you had to teach; is that correct?

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

THE COURT: Overruled.

THE WITNESS: This is an outline to instructors, and it is on various subject matters, and it has a reference page on what books should be read in connection with certain subject matters; but that is only a limited list of books in this outline.

MR. BUCHMAN: Can you fix the year of this, by the way?

Q (BY MR. FLYNN) Doesn't your copy show it?

A No. This is the national outline which came out a few months after the National Convention of 1945, I think in 1946.

Q I notice there is a table of contents. Do you have it in yours?

A Yes.

Q Lesson number one is the introduction to Marxist-Leninist theory. Now, was the subject matter or material that you used in your school given to you as a lesson on that subject?

A I taught the following courses in the various schools in 1947 and 1948: Marxism-Leninism, Political Economy, Party Organization, Democratic Centralism, and

10

under the heading of these subject matters this was for me a guide, among other guides, but in the main this was the guide, this outline which was published in 1946.

THE COURT: Now, Mr. Flynn, I think we must keep to the point, and I don't think this line of questioning is of any importance in this case.

MR. FLYNN: I want to ask him whether he used these books.

THE COURT: All right. Show him the books you had identified about Marxism-Leninism.

MR. FLYNN: First I want to offer this in evidence, may it please the Court, and substitute a photostatic copy of that, if I may.

MR. BUCHMAN: I object to the admission of that document.

THE COURT: We will admit it because I don't see that it does anybody any harm, and maybe some reference may be made to it hereafter.

THE CLERK: Government Exhibit No. 23.

(Outline from New York State School Commission, 1946, "Fundamentals of Marxism" was marked Government's Exhibit 23.)

Q (BY MR. FLYNN) Now, Mr. Lautner, I show you this book which was previously marked as Government's Exhibit No. 4, the Communist Manifesto. Did you teach from it?

11

A Yes.

Q Now, is there any portion of that book that you can refer to which deals directly with the method in which the proletariat revolution is to be put into effect?

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

THE COURT: The objection is overruled.

THE WITNESS: Well, on page 8 of the Manifesto, is the "Manifesto of the Communist Party" by Karl Marx and Friedrich Engels. This is considered an historical document.

By Mr. Buchman:

Q What date was it written?

A 1848, I think. Let me be sure.

MR. BASSETT: That's right.

THE WITNESS: It does not state.

Q (BY MR. FLYNN) Now, are you reading from page 8?

A No, I am -- this is the Manifesto of the Communist Party which was published, I think, the first time in 1848.

MR. BUCHMAN: The Communist Manifesto.

THE WITNESS: Yes, the Communist Manifesto.

MR. BUCHMAN: Published in 1848?

THE WITNESS: 1848 because in 1948 the American Party celebrated its centennial anniversary.

Q (BY MR. FLYNN) Would you refer to that book and tell us any passages that are in it that you used in your teaching?

12

A Well, I used the Manifesto of the Communist Party by Marx and Engels, and this on page 8, and also made references to the last part of the Manifesto on page 44, about four or five sentences down.

Q Would you read that on page 8, please?

A "A spectre is haunting Europe -- the spectre of Communism. All the powers of old Europe have entered into a holy alliance to exorcise this spectre: Pope and Czar, Metternich and Guizot, French Radicals and German police - spies.

"Where is the Party in opposition that has not been decried as Communistic by its opponents in power? Where the opposition that has not hurled back the branding reproach of Communism, against the more advanced opposition parties, as well as against its reactionary adversaries?

"Two things result from this fact:

"1. Communism is already acknowledged by all European powers to be itself a power.

"2. It is high time that Communists should openly, in the face of the whole world, publish their views, their aims, their tendencies, and meet this nursery tale of the spectre of Communism with a Manifesto of the Party itself.

"To this end, Communists of various nationalities

13

have assembled in London, and sketched the following Manifesto, to be published in the English, French, German, Italian, Flemish and Danish languages."

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This was the manifesto of the First International, and then we go into an analysis of the 1948 situation and the historical background.

Q (By Mr. Flynn) 1848.

A 1848 situation and the historical background that leads up to that.

Q Will you read page 44, please?

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

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

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

"The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions."

THE COURT: What page is that?

THE WITNESS: Page 44.

THE COURT: What exhibit is that number?

THE WITNESS: The Communist Manifesto.

THE CLERK: Exhibit 4 for identification.

W/b2

Q (By Mr. Flynn) Are you finished now?

A Yes.

Q I want to ask you whether or not you used that book in your teachings prior to 1944. Did you?

A Yes.

Q And did you use it in your teachings subsequent to 1945?

A Correct.

Q And up to what date, what year, were you teaching in the Communist schools?

A 1949 -- 1948.

Q 1948. But you were a member of the Party until 1950, I believe?

A Correct.

Q But you stopped teaching in 1948?

A Yes.

MR. FLYNN: If Your Honor please, this has only been marked for identification. I want to offer it in evidence now, if you will, please.

THE COURT: Very well.

THE CLERK: No. 4 admitted.

(Thereupon, the document entitled "The Communist Manifesto", previously marked for identification Government Exhibit No. 4, was received in evidence)

Q (By Mr. Flynn) I want to show you this book, which

W/b3

is Government's Exhibit for identification No. 5, "State and Revolution" and ask you whether or not you can identify that book and tell us whether or not it was used by you in your school.

A Yes, this was used in the 1930's, in the 1940's. I learned out of it and I taught out of it under the heading of Marxism - Leninism.

Q Did you use it both prior to 1944 and after 1945?

A Yes.

THE COURT: How late did you teach? Up until what time?

THE WITNESS: Up to 1948.

THE COURT: Up to 1948?

THE WITNESS: 1948, summer, my last class on this subject matter, Marxism - Leninism was taught in New York.

Q (By Mr. Flynn) Now, would you look at that book, please, page 19, and 20, please, and see if there is anything in particular there that you taught from that book?

A Yes.

Q Read it, please.

A "We have already said above and shall show more fully later that the teaching of Marx and Engels regarding the inevitability of a violent revolution refers to the bourgeois state. It cannot be replaced by the proletarian state (the dictatorship of the proletariat) through

W/b4

'withering away,' -- in quotation marks -- "but, as a general rule, only through a violent revolution. The" -- I can't pronounce that word -- "p-a-n-e-g-y-r-i-c".

Q "Panegyric."

A "-- panegyric sung in its honour by Engels and fully corresponding to the repeated declarations of Marx (remember the concluding passages of the Poverty of Philosophy and the Communist Manifesto, with its proud and open declaration of the inevitability of a violent revolution; remember Marx's Critique of the Gotha Programme of 1875 in which, almost thirty years later, he mercilessly castigates the opportunist character of that programme) -- this praise is by no means a mere 'impulse,' a mere declamation, or a polemical sally. The necessity of systematically fostering among the masses this and just this point of view about violent revolution lies at the root of the whole of Marx's and Engels' teaching."

15-2

Q That was 1920. Will you go, then, over to page 23, page 24?

MR. BUCHMAN: Do we have the date when this was written, Your Honor?

THE COURT: He said he was using it as a textbook up until 1948.

MR. BUCHMAN: The date of publication is important.

W/b5

THE COURT: The point is he was using it up to 1948. That is a fact.

MR. BUCHMAN: The point is, Your Honor, the American Revolution textbooks are being used up until the present date. That is why I want to get the date of the writing of it into the record.

THE COURT: Mr. Bushman, I do not understand you. Are you analogizing the American Revolution with the class struggle mentioned here?

MR. BUCHMAN: No. The point I was making here is that an historical work has its relation to the contemporary period, but it is of an entirely different nature.

THE COURT: The witness can be asked by one side or the other whether in teaching that doctrine regarding the classics written about a hundred years ago practical illustration and exposition was given of it to the people to whom it was taught to bring about that result. I imagine counsel will ask that question sooner or later on one side or the other.

Go ahead, Mr. Flynn.

Q (By Mr. Flynn) Page 23, I think we were on.

A Yes, quoting from page 23:

"The doctrine of the class struggle, as applied by Marx to the question of the state and of the Socialist revolution, leads inevitably to the recognition of the

W/b6

political rule of the proletariat, of its dictatorship, i.e., of a power shared with none and relying directly upon the armed force of the masses. The overthrow of the bourgeoisie is realisable only by the transformation of the proletariat into the ruling class, able to crush the inevitable and desperate resistance of the bourgeoisie, and to organize, for the new economic order, all the toiling and exploited masses.

"The proletariat needs state power, the centralised organisation of force, the organisation of violence, both for the purpose of crushing the resistance of the exploiters and for the purpose of guiding the great mass of the population -- the peasantry, the petty-bourgeoisie, the semi-proletarians -- in the work of organising Socialist economy."

Q (By Mr. Flynn) Have you got some more there? Are you finished?

A "By educating a workers' party, Marxism educates the vanguard of the proletariat, capable of assuming power and of leading the whole people to Socialism, of directing and organising the new order, of being the teacher, guide and leader of all the toiling and exploited in the task of building up their social life without the bourgeoisie and against the bourgeoisie. As against this, the opportunism predominant at present breeds in the workers' party

W/b7

representatives of the better-paid workers, who lose touch with the rank and file, 'get along' fairly well under capitalism, and sell their birthright for a mess of pottage, i.e., renounce their role of revolutionary leaders of the people against the bourgeoisie.

"The state, i.e., the proletariat organized as the ruling class' -- this theory of Marx's is indissolubly connected with all his teaching concerning the revolutionary role of the proletariat in history. The culmination of this role is proletarian dictatorship, the political rule of the proletariat.

"But, if the proletariat needs the state, as a special form of organization of violence against the capitalist class, the following question arises almost automatically: is it thinkable that such an organization can be created without a preliminary break-up and destruction of the state machinery created for its own use by the bourgeoisie? The Communist Manifesto leads straight to this conclusion, and it is of this conclusion that Marx speaks when summing up the experience of the revolution of 1848-1851."

THE COURT: Who wrote that?

THE WITNESS: This is "State and Revolution" by Lenin.

Q (By Mr. Flynn) Now, will you go to page 31, please?

MR. BUCHMAN: Written in 1917?

W/b8

Q (By Mr. Flynn) Is that correct? Written in August, 1917?

A I don't know the exact date. It would be around that.

Q Go to page 31, if you please.

A Yes.

"Further, the substance of the teachings of Marx about the state is assimilated only by one who understands that the dictatorship of a single class is necessary not only for any class society generally, not only for the proletariat which has overthrown the bourgeoisie, but for the entire, historic period which separates capitalism from 'classless society,' from Communism. The forms of bourgeois states are exceedingly variegated, but their essence is the same: in one way or another, all these states are in the last analysis inevitably a dictatorship of the bourgeoisie. The transition from capitalism to Communism will certainly bring a great variety and abundance of political forms, but the essence will inevitably be only one: the dictatorship of the proletariat."

Q Go to page 68, please.

A "We set ourselves the ultimate aim of destroying the state, i.e., every organized and systematic violence, every use of violence against man in general. We do not

W/b9

expect the advent of an order of society in which the principle of subordination of minority to majority will not be observed. But, striving for Socialism, we are convinced that it will develop into Communism; that, side by side with this, there will vanish all need for force, for the subjection of one man to another, and of one part of the population to another, since people will grow accustomed to observing the elementary conditions of social existence without force and without subjection.

"In order to emphasise this element of habit, Engels speaks of a new generation, 'reared under new and free social conditions,' which 'will be able to throw on the scrap heap all this state rubbish' -- every kind of state, including even the democratic-republican state."

Q Now, will you go to page 73?

A "We must crush them in order to free humanity from wage-slavery; their resistance must be broken by force; it is clear that where there is suppression there is also violence, there is no liberty, no democracy."

THE COURT: "There is no liberty in democracy"?

THE WITNESS: "No liberty and no democracy."

Page 73.

Q (By Mr. Flynn) Page 74, please.

A "Again, during the transition from capitalism to Communism, suppression is still necessary; but it is the

W/b10

suppression of the minority of exploiters by the majority of exploited. A special apparatus, special machinery for suppression, the 'state,' is still necessary, but this is now a transitional state, no longer a state in the usual sense, for the suppression of the minority of exploiters, by the majority of the wage slaves of yesterday, is a matter comparatively so easy, simple and natural that it will cost far less bloodshed than the suppression of the risings of slaves, serfs or wage labourers, and will cost mankind far less. This is compatible with the diffusion of democracy among such an overwhelming majority of the population, that the need for special machinery of suppression will begin to disappear. The exploiters are, naturally, unable to suppress the people without a most complex machinery for performing this task; but the people can suppress the exploiters even with very simple 'machinery,' almost without any 'machinery,' without any special apparatus, by the simple organisation of the armed masses (such as the Soviets of Workers' and Soldiers' Deputies, we may remark, anticipating a little)."

MR. FLYNN: If the Court please, I would like to offer this in evidence, as it has already been marked for identification.

MR. BUCHMAN: Your Honor, I want to offer my usual

W/bll

objection, to documents, because in reading paragraphs I think it is an example of the distortion of the entire work.

THE COURT: I know of no basis yet to justify that comment but, of course, it is quite possible that you will be able when you come to your side of the case to show that that language, which apparently is plain enough in the English language, is not a fair portion of the document. In other words, you may be able to show that on the next page the author entirely recants what he says and says, "No, I made a mistake in saying that and I didn't mean it."

MR. BUCHMAN: There you have a hundred page book written in the historical context and trying to get the substance of the quotation.

THE COURT: No, I do not see that the historical context has anything to do with the particular point now being made, Mr. Buchman. If the Government had offered it in evidence a couple of days ago when it had these books marked for identification, merely offered them in evidence without anything more, I think your original comment that they were originally written a hundred years ago, or, as this Lenin one, 40, 30-odd years ago, it would be a relevant comment, but here is a witness who says that he as an authorized teacher of the Communist Party taught those doctrines to his classes.

MR. BUCHMAN: We will have to develop the point --

THE COURT: Now, it does not make any difference to

W/b12

my mind whether the things were written a hundred years ago or whether they were written a thousand years ago, if that is the doctrine which is today being taught, or within the time mentioned by this indictment, I think there were somethings that were taught two or three thousand years ago which are still taught in some of our schools.

MR. BUCHMAN: That is true, but the application is based upon the modern society rather than some Greek society from which those principles changed.

THE COURT: I do not want to take the time --

MR. BUCHMAN: Yes, Your Honor, I simply say it magnifies our problem in presenting our overall view of philosophy to match six or seven quotations.

THE COURT: Well, it may be or not, depending on the jury. I am only ruling on points of evidence. As I have told the jury heretofore, not only prior to this colloquy, it is not evidence in the case. The jury must put their own interpretation on what they hear. If there is an objection made to the relevancy of a document on a specific ground or grounds which seems to me from a judicial standpoint to be quite valid, I think I should state that reason. Now, you may think I am in error on that, but I think I have to state that in ruling upon the evidence.

Go ahead. The exhibit is admitted.

THE CLERK: Government Exhibit 5.

W/b13

(Thereupon, the document entitled "State and Revolution", previously marked Government Exhibit No. 5 for identification, was received in evidence.)

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3:45

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Q (By Mr. Flynn); I show you Plaintiff's Exhibition for Identification, "Problems of Leninism" and ask if you are familiar with that book and did you teach from that book?

A Yes, I am familiar with this book and I taught out of this book prior to 1942 and I was teaching and recommending its reading after 1945 in 1947 and 1948.

Q I think maybe I omitted to ask you whether or not the preceding book you looked at, whether you had used that both prior to 1944 and after 1945.

A That book was available prior to 1944 and after 1945.

Q Will you look at this book, please, page 19 of Exhibit 6, and tell us whether or not there is anything there that you would like to call attention to.

A Yes, this is - shall I read?

Q Yes.

A This is from "Problems of Leninism" by Joseph Stalin, page 19, under the heading, "The Proletarian Revolution", he says -

Q Before you go into that, that is the same Joseph Stalin who is now head of the U. S. S. R., Premier Stalin?

A Yes. He says: "Such is the inner character and the basic idea of the proletarian revolution.

"Can such a radical transformation of the old

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bourgeois system of society be achieved without a violent revolution without the dictatorship of the proletariat?

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

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

"That is why Lenin states that ' - - the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class."

Page 21, please.

THE COURT: What year was Stalin writing that?

THE WITNESS: "Problems of Leninism" was in

C 3

the late twenties, in the struggle within the Russian Party for clarification of the real Leninist-Marxist line and Stalin came out on top of this struggle and this is his thinking on the problem.

THE COURT: The reason I asked that, there is a reference made by him there to Russia being surrounded by hospital capitalistic states and that was, of course, true, I believe, in the twenties and thirties.

THE WITNESS: Correct.

MR. BUCHMAN: What is the date?

THE WITNESS: Copyrighted 1934, International Publishers. This is the second printing, '35.

MR. BUCHMAN: Do you have the date of writing there?

THE WITNESS: In the twenties. It could be '26 or '27.

Q (By Mr. Flynn): Go ahead on page 21.

A (Reading): "Here is the most general definition of the dictatorship of the proletariat, given by Lenin:

'The dictatorship of the proletariat is not the end of the class struggle but its continuation in new forms. The dictatorship of the proletariat is the class struggle of the proletariat which has achieved victory and has seized political power against the

C 4

bourgeoisie which has been defeated but not annihilated, which has not disappeared, which has not ceased its resistance, which has increased its resistance."

Q Page 24, please.

A Page 22.

Q All right, I thought you had finished that.

A (Reading): "This does not mean, however, that the rule of this one class, the class of the proletarians, which does not and can not share this rule with any other class, does not need an alliance with the toiling and exploited masses of other classes for the attainment of its objectives. On the contrary, this rule, the rule of a single class, can be firmly established and exercised to the full only by means of a special form of alliance between the class of proletarians and the toiling masses of the petty-bourgeois classes, especially the toiling masses of the peasantry.

"This special form of alliance lies in the fact that the leading force of this alliance is the proletariat, that the leader in the state, the leader within the system of the dictatorship of the proletariat is a single party, the party of the proletariat, the party of the Communists, which does not and cannot share

C 5

that leadership with other parties.

Q Pages 24 and 25.

A (Reading): "Such statements can only be made by those who have failed to grasp Lenin's thesis that 'Nothing but an agreement with the peasants can save the socialist revolution in Russia until the revolution has taken place in other countries.

"Such statements can only be made by those who have failed to grasp Lenin's proposition that 'The supreme principle of the dictatorship is the preservation of the alliance between the proletariat and the peasantry, in order that the proletariat may continue to retain the leading role and state power.'

This was a quotation from Lenin.

Here is another quotation from Lenin:

"The scientific concept, dictatorship, means nothing more nor less than power which directly rests on violence, which is not limited by any laws or restricted by any absolute rules."

There is a further quotation by Stalin from Lenin which says:

"Dictatorship does not mean violence alone, although it is impossible without violence. It likewise signifies a higher organization of labour than that which previously existed."

Q Page 26.

C 6

A (Reading): "That was why Marx spoke of the dictatorship of the proletariat as of a whole period, a period of transition from capitalism to socialism.

"Such are the characteristic features of the dictatorship of the proletariat.

"Hence there are three fundamental aspects of the dictatorship of the proletariat.

"(1) The utilisation of the power of the proletariat for the suppression of the exploiters, for the defence of the country, for the consolidation of the ties with the proletarians of other lands, and for the development and the victory of the revolution in all countries.

"(2) The utilisation of the power of the proletariat in order to detach the toiling and exploited masses once and for all from the bourgeoisie, to consolidate the alliance of the proletariat with these masses, to enlist these masses in the work of socialist construction, and to assure the state leadership of these masses by the proletariat.

"(3) The utilisation of the power of the proletariat for the organisation of socialism, for the abolition of classes, and for the transition to a society without classes, to a society without a state."

Q What was that, page 27 you were reading from?

C 7

A Pages 26 and 27.

Q Now, going to page 29, please.

MR. BRAVERMAN: Your Honor, I wonder as the witness begins to read each of the quotations, if he would tell us it is the beginning of a paragraph or middle of a paragraph. It would be more helpful.

THE COURT: I assume the Government would not want to read anything in the middle of a sentence.

MR. BRAVERMAN: But some have been in the middle of a paragraph.

THE COURT: Well, punctuation and proper paragraphing is something which varies in different people, such as lawyers writing briefs and judges writing opinions. It is very desirable and accurate to have only one subject matter. What else?

Q (By Mr. Flynn): Page 29, please.

A (Reading): "The Party and the Working Class Within the System of the Dictatorship of the Proletariat.

"I spoke above about the dictatorship of the proletariat from the point of view of its historical inevitability, from the point of view of its class content, from the point of view of its state nature, and, finally, from the point of view of its destructive and creative tasks which are performed throughout an entire historical period, described as the period of

transition from capitalism to socialism.

"Now we must consider the dictatorship of the proletariat from the point of view of its structure, of its 'mechanism', of the role and significance of the 'belts', the 'levers' and the 'directing force', the totality of which comprise the system of the dictatorship of the proletariat (Lenin) and with the help of which the daily work of the dictatorship of the proletariat is accomplished.

"What are these 'belts' or 'levers' in the system of the dictatorship of the proletariat? What is the 'directing force'? Why are they needed?

"The levers or the belts are those very mass organisations of the proletariat without whose aid the dictatorship cannot be realised.

"The directing force is the advanced detachment of the proletariat, its vanguard, which constitutes the main guiding force of the dictatorship of the proletariat.

"The proletariat needs these belts, these levers and this directing force, because without them it would be, in its struggle for victory, like a weaponless army in the face of organised and armed capital. It needs these organisations because without them it would suffer inevitable defeat in its fight

C 9

for the overthrow of the bourgeoisie, for the consolidation of its own power and for the building of socialism. The systematic help of these organizations and the directing force of the vanguard are indispensable, because without them the dictatorship of the proletariat could not be to any degree durable and firm.

"What are these organization?"

"First of all there are the workers' trade unions, with the national and local ramifications in the shape of a whole series of production, cultural, educational and other organizations. These unite the workers of all trades. They are not Party embracing organization of the working class which holds power in our country. They constitute a school of communism. They promote from their midst the best people to carry out leading work in all branches of administration. They form the link between the advanced and the backward elements in the ranks of the working class. They unite the masses of the workers with their vanguard.

THE COURT: Who is this writing now?

THE WITNESS: Stalin.

MR. FLYNN: Now then, may it please the Court, we have about two more quotations from this book. Would you want to finish?

C 10

THE COURT: Very well. Finish.

Q (By Mr. Flynn): Going to page 33 .

A (Reading): "Of course, this does not mean that the Party can or should become a substitute for the trade unions, the soviets and the other mass organisations. The Party realises the dictatorship of the proletariat. It does so, however, not directly, but with the help of the trade unions, and through the soviets and their ramifications. Without these 'belts', anything like a firm dictatorship would be impossible.

"The dictatorship cannot be realized, says Lenin, without several belts stretching from the vanguard to the mass of the advanced class, and from this to the mass of the toilers. The Party, so to speak, absorbs the vanguard of the proletariat, and this vanguard realises the dictatorship of the proletariat. In the absence of a foundation such as the trade unions, the dictatorship could not be realised, the functions of the state could not be fulfilled. They have to be fulfilled through a series of special institutions which are likewise of a new type, namely through the Soviet apparatus."

That is quoted from Lenin.

Q Will you finally look at page 57 and read what is there.

C 11

A (Reading): On the few occasions that Lenin was obliged, in controversy with opponents, to speak of the dictatorship of the Party, he usually referred to the 'dictatorship of one party', i.e. to the fact that our Party holds power alone, that it does not share power with other parties. Moreover, he always made it clear that the dictatorship of the Party in relation to the working class meant the leadership of the Party, its leading role.

"In all those cases in which Lenin found it necessary to give a scientific definition of the role of the Party in the system of the dictatorship of the proletariat, he spoke exclusively of the leading role of the party in relation to the working class (and there are thousands of such cases).

"That was why it 'never occurred' to Lenin to include the formula 'dictatorship of the Party' in the fundamental resolution on the role of the Party (I have in mind the resolution adopted at the Second Congress of the Communist International.)

"Those comrades who identify, or try to identify the 'dictatorship' of the Party and, consequently the 'dictatorship of the leaders', with the dictatorship of the proletariat are wrong from the point of view of Leninism, and are politically short-sighted, for

C 12

they thereby violate the conditions of the correct relations between the vanguard and the class."

THE COURT: What is that word, "vanguard"?

THE WITNESS: Vanguard, the wedges.

THE COURT: Throughout this exhibit, there has often appeared the expression, "Dictatorship of the proletariat" and also reference to the bourgeois. Now, we have had some differences of view as to the meaning of those terms in Communistic language. As a teacher of the subject, what can you tell us, Mr. Lautner, would be the proper meaning of first, proletariat? What is meant by proletariat? The second is bourgeois.

THE WITNESS: The word "proletariat" has its origin from the Latin "proletaria". It refers to that section of society that owns nothing but their mental capacity and their labor, Your Honor, to be propertyless as within society, whereas the bourgeois, as referred to, is any class, the class which owns, in a society which means the production of certain raw material for production and these are the two mentioned classes, and the words find their origin from the classics, Greek or Latin.

THE COURT: Then in simple language, proletariat means people without property and bourgeois means people who have property of some kind.

THE WITNESS: That's right.

C 13

MR. BUCHMAN: Is that what the witness said?

THE COURT: I understood him to say so, but I don't want you to adopt my words. That is my conception and I would like to have yours.

THE WITNESS: They they have various classifications, petty-bourgeois and upper bourgeois and all kinds of classifications and classifications of people in the bourgeoisie, but in the mean that is the way they are characterized, as bourgeois and they own property and the proletariat is propertyless.

THE COURT: And the dictatorship of the proletariat means -

THE WITNESS: The dictatorship.

THE COURT: It means that people who have no property shall take the reins of government from those who have.

THE WITNESS: That is the essence of it.

THE COURT: In America, I believe everybody is entitled to vote, whether they have property or not in most of the States.

THE WITNESS: That is another question.

THE COURT: It is a little after four. Did you want to say something, Mr. Meyers?

MR. MEYERS: Yes, I want to make a motion before we adjourn. This morning we heard the reading of the

C 14

Duclos letter, which was a very lengthy letter and some extensive excerpts from the resolution of the National Convention of the Communist Party of the United States, which was adopted July, 1945.

That was a very difficult reading to follow because of its length for one reason and because of the various aspects of what was read, and the Government puts prime importance on those documents and so do we, and my proposal is this, that a sufficient number of these documents be provided to the jury so they all have copies themselves, which they can read and see and study just what was said in the documents, and I make that in the form of a proposal or motion.

THE COURT: Certainly the jury is entitled to read any of the exhibits in evidence. It would not be customary in jury practice to furnish the jury with copies of particular documents offered in evidence before they retire to their jury room.

MR. MEYERS: These are lengthy and it may be a year before they had a chance to look at them. I don't know what the normal procedure is but I make that in the form of a motion. It would help the work of the trial here and help the jury reach a decision.

THE COURT: I have to tell you it would be quite out of accord with jury practice to give the jury any one

exhibit before they retire to their jury room. They are entitled at all times to see all exhibits that are offered in evidence and they are entitled to take the exhibits there but it would be contrary to any system of practice that I have known of to give a particular exhibit to the jury for them to take away from the court. The reason for that is, you have to consider the evidence in the case as a whole and it is not appropriate to single out one thing and ask the jury to agree with that.

For instance, I might illustrate that, Mr. Meyers, by saying that you think it is desirable to let the jury have this particular book. Now, Mr. Flynn might prefer to have them read one of the exhibits that he has put in evidence.

MR. BUCHMAN: The whole volume would be all right.

THE COURT: I understand that but I can not undertake to single out particular things and emphasize them in that way.

Now, tomorrow I think we shall sit until one o'clock because at two o'clock I have matters on the civil calendar.

MR. FLYNN: I would like to offer this in evidence. It has been marked for identification.

(Government Exhibit 6, "Problems of Leninism", previously marked for identification, now marked in evidence.)

THE COURT: Ladies and gentlemen of the jury,
you are excused until tomorrow morning at 10 o'clock.

(Thereupon, at 4:10 P. M., an adjournment was
taken until 10:00 A. M. March 14th, 1952.)

I certify that the foregoing is a true and correct transcript of the proceedings in the above case.

Marion J. Owens

Charles G. Cawley

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