

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

O. BOYD PROBERT  
SPEC. ASST. ATTORNEY GENERAL  
1208 MURPHY BUILDING  
BALTIMORE 2, MD.

UNITED STATES OF AMERICA

vs.

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

Criminal No. 22322  
Criminal No. 22322

**TRANSCRIPT OF PROCEEDINGS**

Before  
HON. W. CALVIN CHESNUT  
Judge

Friday, March 14, 1952

Volume V

(Page 798 to page 910)

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

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Gross</u>
John Lautner	801	879 (W)

EXHIBITS

<u>Government No.</u>		<u>Page</u>
7	"Foundations of Leninism"	813
10	"Strategy and Tactics of the Proletarian Revolution"	819
11	"History of the Communist Party-- Soviet Union (Bolsheviks)"	823
13	"Communist Party--A Manual on Organization"	827
24	Constitution of the Communist Party, USA	839

-----

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

-----

Baltimore, Maryland  
Friday, March 14, 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

- - - - -

0/b1

PROCEEDINGS

(The Clerk called the names of the jurors.)

THE COURT: Are we ready to proceed?

MR. FLYNN: Yes, sir.

Thereupon,

JOHN LAUTNER,

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

DIRECT EXAMINATION (Continued)

BY MR. FLYNN:

Q Mr. Lautner, will you look at this book, which is Government Exhibit 7 for identification. First, are you familiar with that book? Before that, you had better give us the title and who wrote it.

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

I am familiar with it.

Q You are familiar with it?

A Yes.

Q (By Mr. Buchman) Would you give us the date of the writing of this first?

A Copyright 1939. This is the second hundred thousand. The first hundred thousand was published --

Q I just asked the date it was written.

Q (By Mr. Flynn) Can you finish that, Mr. Lautner?

O/b2

A This is a compilation of various dates within this book. It was not written in one day or one week. It was written -- not written but reports by Stalin, and statements made by Stalin over a number of years.

Q Now, did you use that book in your teaching prior to 1945?

A Yes, I did.

Q Did you use it after 1945?

A Correct.

Q Now, will you please look at page 44 and page 46 of the book and read portions of it?

MR. BUCHMAN: Before proceeding with that I would like to make clear my objection that anything this man himself taught is not binding upon any of the defendants in this case. It is hearsay and is not binding upon the defendants and I would like to object to anything this man reads.

2 THE COURT: Well, the question is whether he taught from this particular book. I understand he was <sup>an</sup> authorized official of the Communist Party especially directed to teach classes in the doctrines of the Party. Now of course if he departed from the general instructions or from the Party line, so to speak, to use a brief expression, it would not be binding upon the defendants.

I think that from the prior testimony the jury

0/b3

may understand that he was acting officially for the Party in the matter.

MR. BUCHMAN: I don't know whether you want me to expand upon my objection or not.

THE COURT: Very well. Go ahead.

Q (By Mr. Flynn) These books that you are referring to, were they the authorized teachings of the Communist Party?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: Well, it is a little difficult for me to understand why so many objections are made to apparently perfectly relevant questions.

MR. BUCHMAN: Does Your Honor wish me to explain why I am objecting?

THE COURT: The objection is overruled.

Q (By Mr. Flynn) Now would you look at page 44 and answer the question?

A This "Foundations of Leninism" was a part of the curriculum and required reading on the subject matter of Marxism - Leninism.

Q Now will you look at page 44, please, and read from that page?

A "To proceed. Formerly, the victory of the revolution in one country was considered impossible on the assumption that it would require the combined action of the proletarians of all or at least the majority

O/b4

of the advanced countries to achieve victory over the bourgeoisie. Now this point of view no longer accords with the facts. Now we must proceed from the possibility of such a victory for the uneven and spasmodic character of the development of the various capitalist countries under the conditions of imperialism, the development, within imperialism, of catastrophic contradictions leading to inevitable wars, the growth of the revolutionary movement in all countries of the world -- all this leads not only to the possibility, but also to the necessity of the victory of the proletariat in individual countries. The history of the Russian revolution is direct proof of this. At the same time, however, it must be born in mind that the overthrow of the bourgeoisie can be successfully accomplished only when certain absolutely necessary conditions exist, in the absence of which there can be even no question of the proletariat taking power."

Q Now, page 46.

MR. BRAVERMAN: Your Honor, --

THE COURT: There is no question at the moment.

MR. BRAVERMAN: I think the question was for him to read page 46.

THE COURT: You are asking him to read from page 46?

MR. FLYNN: Yes, sir.



0/b5

THE COURT: Now, what is your objection, sir?

MR. BRAVERMAN: My objection is that the witness is reading from various pages or paragraphs of this book, and I do not see how in any way that is binding upon any of the defendants and I do not see the relevancy of it. So I am making my objection to this type of examination being conducted by the Government.

THE COURT: We have been over that so many times in the last day or so that I think it is not necessary for me to say anything further.

The objection is overruled. Go ahead.

THE WITNESS: "Lenin expressed this thought in a nut shell when he said that the task of the victorious revolution is to do 'the utmost possible in one country for the development, support, and awakening of the revolution in all countries.'

"These, in general, are the characteristic speeches of Lenin's theory of proletarian revolution."

Q Would you now go to page 47, please?

A The heading is "The Dictatorship of the Proletariat."

"The question of the proletarian dictatorship is above all a question of the main content of the proletarian revolution. The proletarian revolution, its movement, its scope and its achievements acquire flesh and blood only through the dictatorship of the proletariat. The dictatorship of the proletariat is the instrument

3

0/b6

of the proletarian revolution, its organ, its most important mainstay, brought into being for the purpose of, firstly, crushing the resistance of the overthrown exploiters and consolidating the achievements of the proletarian revolution, and, secondly, carrying the proletarian revolution to its completion, carrying the revolution to the complete victory of socialism. The revolution can vanquish the bourgeoisie, can overthrow its power --"

MR. BRAVERMAN: You skipped something, didn't you?

THE WITNESS: Did you say something?

MR. BRAVERMAN: Excuse me. I thought you skipped something.

THE WITNESS: No. Did I?

MR. BRAVERMAN: Your Honor, we don't have a copy of this in Court.

MR. BUCHMAN: Can I follow the reading of it with Mr. Flynn or the witness by looking at the same copy?

THE COURT: I am sorry. I don't know what you are asking now.

MR. BUCHMAN: I don't have an exact copy of this document in Court. I would like to follow the reading, and I am just wondering whether we can watch Mr. Flynn's copy here?

MR. FLYNN: I don't have a copy. That is the only copy I have.

O/b7

THE COURT: The book will be turned over to you after the witness has read from it, if you desire it.

THE WITNESS: "The revolution can vanquish the bourgeoisie, can overthrow its power, without the dictatorship of the proletariat. But the revolution will be unable to crush the resistance of the bourgeoisie, to maintain its victory and to push forward to the final victory of socialism unless, at a certain state in its development, it creates a special organ in the form of the dictatorship of the proletariat, as its principal mainstay."

Cvy

Cavey vs  
Owens  
10;10

Q (By Mr. Flynn): Will you go from there to page 60 and will you pick out any pertinent passages that you see there with reference to what we are referring to?

MR. BUCHMAN: We object to that question, Your Honor.

THE COURT: It is not a question. It is sort of a direction. I will strike out the direction. Give it more specifically.

Q (By Mr. Flynn): Will you just go through to page 60, Mr. Lautner and read what you see there?

MR. BUCHMAN: May I state the point of my objection, Your Honor? The question asks the witness or did ask the witness what he taught. Now he is being asked to pick out sentences to read.

THE COURT: I understand it has been said the book is the direction and policy or indoctrination of the Communist Party.

MR. BUCHMAN: I object to your statement.

THE COURT: You object to what?

MR. BUCHMAN: I object to the statement of Your Honor. That was not the witness' own characterization of it.

THE COURT: It is in line with prior testimony by him, as I understand it. Go ahead.

THE WITNESS: On page 60: "The Soviet power

C 2  
alone is capable of releasing the army from its subordination to bourgeois command and of converting it from the instrument of oppression of the people, which it is under the bourgeois order, into an instrument for the liberation of the people from the yoke of the bourgeoisie, both native and foreign."

Q (By Mr. Flynn): Will you go to page 109?

A (Reading): Heading: "The Party As The Vanguard of the Working Class.

The Party must be, first of all, the vanguard of the working class. The Party must absorb all the best elements of the working class, their experience, their revolutionary spirit, their selfless devotion to the cause of the proletariat. . But in order that it may really be the vanguard, the Party must be armed with revolutionary theory, with a knowledge of the laws of the movement, with a knowledge of the laws of revolution. Without this it will be incapable of directing the struggle of the proletariat, of leading the proletariat. The Party cannot be a real party if it limits itself to registering what the masses of the working class feel and think, if it follows in the tail of the spontaneous movement, if it is unable to overcome the inertness and the political indifference of the spontaneous movement, if it is unable to rise

C 3

above the momentary interests of the proletariat, if it is unable to elevate the masses to the level of the class interests of the proletariat. The Party must stand at the head of the working class; it must see farther than the working class; it must lead the proletariat, and not follow in the tail of the spontaneous movement. The parties of the Second International, which preach "khvostism", are vehicles of bourgeois policy, which condemns the proletariat to the role of a tool in the hands of the bourgeoisie. Only a party which takes the standpoint of the vanguard of the proletariat and is able to elevate the masses to the level of the class interests of the proletariat - only such a party can divert the working class from the path of trade unionism and convert it into an independent political force. The Party is the political leader of the working class."

Q Will you go to page 115.

A (Reading) Heading: "The Party as the Highest Form of Class Organization of the Proletariat.

"The Party is the organized detachment of the working class. But the Party is not the only organization of the working class. The proletariat has also a number of other organizations, without which it cannot properly wage the struggle against

C 4

capital; trade unions, cooperative societies, factory and works organizations, parliamentary groups, non-Party women's associations, the press, cultural and educational organizations, youth leagues, revolutionary fighting organizations (in times of open revolutionary action), Soviets of deputies as the form of state organization (if the proletariat is in power), etc. The overwhelming majority of these organizations are non-Party, and only a certain part of them adhere directly to the Party, or represent its offshoots. All these organizations, under certain conditions, are absolutely necessary for the working class, for without them it would be impossible to consolidate the class positions of the proletariat in the diverse spheres of struggle; for without them it would be impossible to steel the proletariat as the force whose mission it is to replace the bourgeois order by the socialist order. But how can single leadership be exercised with such an abundance of organizations? What guarantee is there that this multiplicity of organizations will not lead to divergency in leadership? It might be argued that each of these organizations carries on its work in its own special field, and that therefore these organizations cannot hinder one another. This, of course, is true. But it is also

C 5

true that all these organizations should work in one direction, for they serve one class, the class of the proletarians. The question then arises: who is to determine the line, the general direction, along which the work of all these organizations is to be conducted? Where is that central organization which is not only able, because it has the necessary experience, to work out such a general line, but, in addition, is in a position, because it has sufficient prestige for that, to induce all these organizations to carry out this line, so as to attain unity of leadership and to preclude the possibility of working at cross purposes?

"This organization is the Party of the proletariat."

Q What page were you reading from then?

A 116.

Q Go on to page 119, please.

THE COURT: Well now, how much more of this do you wish to offer?

MR. FLYNN: If Your Honor please, there is really a great deal of it and I was wondering whether we were reading more than we should.

THE COURT: It seems to me you have read quite a number of extracts which may be regarded as repetitious and unless you have some special reason for reading more of the same nature, it seems to me that what we have heard



C 6

this morning is largely repetitious of what we heard yesterday.

MR. BUCHMAN: May I inquire the total number of pages in this book?

THE WITNESS: 127.

MR. FLYNN: That will be enough for the reading of that. I offer this in evidence. It has been marked previously for identification.

Ex 7

(Government Exhibit 7, "Foundations of Leninism", previously marked for identification, now marked in evidence.)

Q (By Mr. Flynn): I want to show you this Plaintiff's Exhibit 7 for Identification and ask you whether or not you are familiar with that work?

A A letter to the American workers by Lenin, published - it is volume 17, the Little Lenin Library, published by the International Publishers. Yes, in our classes we urged the students to arrange for themselves or to purchase for themselves the Little Lenin Library, of which this document is a part.

Q Now, can you tell us or will you tell us whether or not these letters to the American worker covered the same ground or are the same subject matters which you have been reading from and the other witness read from?

MR. BUCHMAN: I object.

THE COURT: I think perhaps the question is

C 7

objectionable. I suppose, Mr. Flynn, you wished to abbreviate the matter without reading particular extracts from it. I will let the witness say whether the book that he has in his hand was used as the interpretation or explanation of the Party doctrine or program.

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

THE COURT: Very well, I overrule the objection.

THE WITNESS: It is part of the Marxism-Leninism.

THE COURT: Was it taught by you?

THE WITNESS: I don't think I made any direct reference to this particular book.

THE COURT: Very well then, I will exclude it and strike out the answer given.

MR. FLYNN: It is still marked for identification.

Q I show you a book "Strategy and Tactics", which is marked Plaintiff's Exhibit 10 for Identification and ask if you can identify that book?

THE COURT: Unless he used it in instructing classes, I will exclude it.

Q (By Mr. Flynn): Did you use that book?

A Yes.

Q Did you use it prior to 1944?

A Prior to 1944 and after 1944. The name of it is "Strategy and Tactics", published by the International

C 8

Publishers, copyrighted 1936.

MR. BUCHMAN: How many pages does the book have?

THE WITNESS: 96.

THE COURT: Do you want to put that in evidence?

MR. FLYNN: Yes. I want to offer it in evidence and ask him whether or not in the use of that book, what particular subjects you were dealing with, did you use that book, is this the book?

Walker fs  
Cavey 1025

W/bl  
3-1  
fl  
Cvy  
10:20

MR. BUCHMAN: Pardon me, Your Honor. Is it understood that I have a running objection to anything that he taught, Your Honor?

THE COURT: No. I explained to you two days ago why a running objection was not desirable.

MR. BUCHMAN: Then I want to renew my objection.

THE COURT: Very well.

A Yes, this was part of the supply of material under the subject matter of Marxism - Leninism and was used in various classes prior to 1944, classes that I was taught in, and after 1945 classes that I was teaching in.

THE COURT: Perhaps you had better explain, or at least I will ask you to explain, just what was your position as teacher and what classes did you teach? How did that come about? How were the students taught? How many were there, and so on?

THE WITNESS: After the reconstitution of the Communist Party in 1945 there was an intensive drive in the Party to reindoctrinate the Party membership who were infected with Browder's revisionism. That was one of the first and main activities in the Party, re-education of the Party membership, based on the Party resolution in 1945 and adopted in the convention. There was a re-education program on all levels in the Party. Around 1947 and 1948 I was teaching in classes organized by New York County of the Communist Party.

W/b2

The classes that I taught in -- I was teaching in were section functionaries, were functionaries of the Party and trade union functionaries.

Q (By Mr. Flynn) What are functionaries?

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

THE COURT: Overruled.

A A functionary is an official of the Party organization on one level or another. In this instance they were section functionaries. I had three full time classes, weekly classes, that the Party organized in the building of the Jefferson School, but they were not part of the Jefferson School as such, in the broader educational institution. These were strictly organized Party classes for Party functionaries. I taught in a class for the building trade workers, for bakers, for furriers, then the last class that I taught was in 1949 in Brooklyn for section functionaries, and that class was abruptly stopped when an instruction came from the Party that no Party leaders should gather in one place --

MR. BRAVERMAN: Your Honor, just a minute.

A -- because of prevailing conditions.

MR. BRAVERMAN: Your Honor, I move to strike all of the answer given by the witness on the grounds it is hearsay and not binding upon the defendants. It covers a great deal of conclusions, and a great deal of hearsay knowledge on the part of the witness, and is not admissible in evidence.

w/b3

THE COURT: Objection overruled.

THE WITNESS: I may add, Your Honor, that I --

MR. BUCHMAN: It is a voluntary statement on the part of the witness.

THE WITNESS: No, I didn't finish my statement.

THE COURT: Now, counsel will please allow the witness to answer questions without interrupting.

MR. BASSETT: If Your Honor please, I would sincerely like to know what question he is answering. The question you directed, and then Mr. Flynn asked the second question, "What is a party functionary?" Is this in response to your question or to Mr. Flynn's question?

THE COURT: The witness evidently desired to add to the answer that he had already made, which is permissible. Go ahead.

3-2

THE WITNESS: I taught in these classes, Your Honor, upon the instruction of the Party leadership under whose supervision and leadership I worked. I didn't go into these classes by myself. I was instructed to go into these classes, and these classes while the instructor is in the class is supervised by a class director who is assigned by the Party, by the School Commission, to supervise the proper conduct of these classes.

THE COURT: How many students did you have in your classes?

KN/bl

MR. BUCHMAN: Pardon me. I move to strike also the subsequent answer.

THE COURT: Overruled.

THE WITNESS: On the average of anywheres from 50 to 25.

MR. FLYNN: I think you had finished with that book. I offer this in evidence, may it please the Court.

THE CLERK: Government's Exhibit 10 for identification now formally admitted.

(Thereupon, the document entitled "Strategy and Tactics of the Proletarian Revolution", previously marked Government's Exhibit No. 10 for identification, was received in evidence.)

Q (By Mr. Flynn) I want to show you a book, Mr. Lautner, and ask you to identify it. What is that book?

A This book is "The History of the Communist Party of the Soviet Union (Bolsheviks)" published by International Publishers. This is the second hundred thousandth.

Q Who is the International Publishers?

A The International Publishers is the -- is an arm of the National Committee of the Party which publishes all the so-called classical Marxist - Leninist --

THE COURT: You told us that yesterday.

MR. FLYNN: I think the other witness told us that.

A -- writings, headed by Alexander Trachenberg.

w/b5

MR. BRAVERMAN: I move to strike the answer, Your Honor.

THE COURT: Overruled.

Q (By Mr. Flynn) Now, Mr. Lautner, you say this is a history of the Communist Party. Was this book used by you in your teachings?

A This book was used before 1944 and after 1945, not only teaching, but we were urged. I recall when I was district organizer in West Virginia we had hundreds and hundreds of copies of this book to sell and to dispose of, to spread in West Virginia, and this indicates this is the second hundred thousandth copy. A special outline was made by the Party Educational Department how to study this book. We had classes. I remember when I went to National Training School in 1941 this book alone was a subject matter for study for a whole week by Sam Carr,--

MR. BUCHMAN: I object, Your Honor.

A -- who was the national --

MR. BUCHMAN: Just a minute, if the Court please. I object. The witness is wandering far afield, it seems to me. It is unresponsive.

THE COURT: Overruled.

A -- Sam Carr, who was the national executive secretary of the Canadian Communist Party, and after 1945 there was a directive by the National Committee to study this book on all



W/b6

levels of the Party from branch level up, and special classes were held. It so happens in 1947, 1948 I didn't teach this as a subject matter in my classes but it was taught throughout the Party. There are directives galore to that effect.

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

THE COURT: Overruled.

MR. FLYNN: I want to move that this be admitted in evidence. It has already been marked as Plaintiff's Exhibit for identification No. 11.

MR. BRAVERMAN: Your Honor, the witness has just testified that he himself didn't use the book in teaching.

THE COURT: Yes, Mr. Braverman, but what he says about it purports to be of his own knowledge and not necessarily in this case based on his personal teaching. The book was sold, distributed and widely circulated as doctrines of the Communist Party. Now, he does not have to teach it himself if he knows it was used in that way. That is what he says. Counsel really ought to remember that objections to evidence are not merely based on evidence which is disagreeable or seems to be adverse, because you have an opportunity to rebut that by other testimony when your time comes.

MR. BUCHMAN: Let me just state one sentence, Your Honor. The basis of our objections for the most part is that what the witness did in New York County is not in any way

w/b7

binding upon the defendants in this case. Therefore, whatever he may have done or said or taught, we feel, is objectionable for that reason.

THE COURT: I think your objection shows an entire misconception of the purpose of the evidence and its relevancy to the case. The matter that we are considering at the moment is whether this was a doctrine of the Communist Party, and this witness knows what they are. Furthermore, there is nothing said to show that there has been any difference in the line of instruction in New York from other places throughout the United States. On the contrary, we have already heard what is democratic centralism.

3-5

MR. BUCHMAN: But, if the Court please, the issue is the intent of these defendants. Now, unless it is the assumption of the Government or Your Honor that the entire membership of the Communist Party are illegal, then these are inadmissible, hearsay.

THE COURT: That is a matter of test. We are not dealing specifically with the intent at the present time. We are dealing now with the one underlying question of what is the doctrine of the Communist Party.

MR. BUCHMAN: But the statement of this witness --

THE COURT: I do not wish to argue it any further because it takes too much time. Let us go on.

MR. BRAVERMAN: Your Honor, may I just say this one

W/b8

statement? On the one comment which Your Honor just made I wish to respectfully bring it to your attention. Objections being made at various times by defendants' counsel are not on the basis that what is going to come out is going to be prejudicial or something that we do not wish to come out, but, rather, based upon our interpretation of the rules of evidence. Your Honor is the Judge of the rules of evidence in this Court, and, based upon Your Honor's ruling, we abide by them, but I do not think it is proper to say that the basis of our objections is that we feel it is disagreeable testimony.

THE COURT: I did not mean to imply that the purpose was entirely that, but that is what seemed to me was the effect of them, Mr. Braverman. Now, I am not attributing anything in the way of impropriety on your part but, according to my understanding of the rules of evidence, you do not understand the point that is now before the Court. Let us all be easy about it. I am not criticizing you personally in any way. I am trying to indicate why I think it is inadvisable for so many objections to be made. If you feel it is necessary in the interest of yourself or the others in the interest of their clients to make these objections, you are privileged to do so.

Go ahead.

(Thereupon, document entitled "History of Communist Party - Soviet Union (Bolsheviks)", previously marked Government's Exhibit No. 11 for identification, was received in evidence

W/b9

Q (By Mr. Flynn) Mr. Lautner, I show you here Plaintiff's Exhibit No. 23 which was introduced yesterday, and it is called "Fundamentals of Marxism", and I think you identified that, or it has been identified as the plan, the outline of study that has been given and laid down by the National Educational Committee of the Communist Party. I want you to look at that and see whether or not this history of the Communist Party is not included in that outline.

A That is on page 3 under the heading of "Reading." This is the CPSU, middle of page 114 to the bottom of page 126.

MR. FLYNN: Is that a copy, Mr. Braverman, that you have?

MR. BRAVERMAN: I am trying to point out it is a copy.

MR. FLYNN: That is your copy. I see.

MR. BRAVERMAN: Yes, sir, it is our copy.

THE COURT: What is the question now?

Q (By Mr. Flynn) I am merely asking you whether or not that question is not on the list of outlines for study as given out by the Party for the directions of the outline of study.

A It is also on page 11, "Additional Reading - History of the CPS" in Chapter 2, Section 1 and 2 and some other references.

Cvy  
10:40

Cay vs  
Walker  
1040

Q (By Mr. Flynn): Now I want to ask you if you are familiar with this book which is "Manual of Organization" by J. Peters, which has been introduced as Exhibit 13 for Identification?

A Yes, I am acquainted with it.

MR. BUCHMAN: I object to this and wonder if I could examine the witness on his voir dire before going any further on this.

THE COURT: What was that?

MR. BUCHMAN: I would like to ask the witness on voir dire as to this particular publication.

THE COURT: Now, you are teaching me something that I do not know about, Mr. Buchman. I never heard of examining a witness on his voir dire.

MR. BUCHMAN: I understand when a witness attempts to in some instances qualify as an expert, that he can be examined as to the basis of his experience.

THE COURT: Of course, it is undoubtedly true that if a witness is called as an expert as having particular knowledge on a particular subject and there is nothing sufficient to show that he has such knowledge, as for instance, if I should offer to make a statement as an astrologist, it would be entirely appropriate for you to object to my qualifications until I demonstrated them, which I think I would be unable to do, but this

C 2

witness has already showed you or stated what his qualifications are. Therefore, it seems to me that he is qualified to make these statements.

Whether the jury accepts the statements or not may be entirely a different matter, but it is for me to state that he is qualified to make the statements.

I have never heard of cross-examination of an expert witness as we have pending here. That is the reason I said I was unfamiliar with it.

What is your question, Mr. Flynn?

Q (By Mr. Flynn): Whether or not he is familiar with the book and whether or not it was used by him in his classes.

A The answer is yes. The name of the book is "The Communist Party - A Manual on Organization" by J. Peters.

Q Did you know Mr. Peters?

A I testified yesterday that he was one of my first instructors in 1930 in the first training school I went to. When this particular document was published, prior to publication in the official organ of the Party, The Party Organizer, the official organ of the Central Committee, carried the whole chapter of this yet unpublished manual.

MR. BUCHMAN: What date was that, please?

C 3

THE WITNESS: 1935, and it was after publication used extensively in the period - that was the period in the Party history when there was a large influx of new members then on the United Front policies to acquaint them with what the Party stands for. This was in the mid 1930's. In 1949 this very same J. Peters asked me to get him a copy of his Manual while he wasn't in the city. I got this copy.

MR. BUCHMAN: I object to the hearsay.

THE WITNESS: I got this copy for him from the Party building.

THE COURT: I think that further details about J. Peters are unnecessary and I strike that out if counsel for the defendants desire.

MR. BUCHMAN: Thank you, Your Honor.

MR. FLYNN: I offer that book in evidence.

("Communist Party - a Manual on Organization" by J. Peters, previously marked for Identification, now marked Government Exhibit 13.)

Q (By Mr. Flynn): I show you Plaintiff's Exhibit 1, which has already been introduced in evidence, which is the program of the Communist International and has been testified to by the previous witness. I want to ask you whether or not that manual or program was used after 1945?

A Yes, it was.

C 4

Q Used in classes.?

A Correct.

MR. FLYNN: May it please the Court, to further identify it, this is the book that the previous witness read from as the program after he got back from Moscow.

THE COURT: Yes.

Q (By Mr. Flynn): Mr. Lautner, I think you testified yesterday that you attended the 1945 convention?

A Yes.

Q The convention of the Communist Political Association?

A Yes.

Q I think you testified in some detail about that. Now, was that convention dissolved, did it adjourn or did it go into another meeting at the same time? Can you explain - in other words - just what happened to that convention after it had wiped out the Communist Political Association.

A It reconstituted itself as the Communist Party. It adopted a constitution in that 1945 convention.

Q Well now, were they the same delegates?

A The same people, the same delegates, the same leadership with the exception of Browder, who was not elected after becoming the National Committee of the Communist Party.



Q Then, as I understand, it was just simultaneous, the same people, in the same hall, just turned over and reconstituted the Communist Party?

A That's right.

Q At that time, yesterday you referred to two reports, I believe, one by Foster and one by Williamson, both of which were made during the existence of the Communist Political Association.

A Both of these reports were made at the 1945 convention.

Q Were they adopted?

A Foster's report was voted upon by the convention and it was adopted as part of the convention proceedings.

Q Was there any dissent to the adoption of that report?

A I don't think there was. I have no recollection of anybody dissenting to Foster's report in that convention.

Q At that convention, was there a constitution adopted?

A Yes, a constitution was adopted, based on the report of the Constitution Commission headed by John Williamson, and he reported the constitution to the convention and it was adopted.

Q I show you this book and ask you whether or not that is a copy of the constitution of the Communist Party

C 6

as adopted at the 1945 convention?

A Yes, this is the constitution of the Communist Party of the United States of America, adopted at the 1945 convention of the Communist Party.

Q And that was at the reconstitution of the Party?

A Correct.

Q Will you read, please, sir, from that constitution, the first paragraph of the preamble?

A (Reading): "The Communist Party of the United States is the political party of the American working class, being itself upon the principles of scientific socialism, Marxism-Leninism. It champions the immediate and fundamental interests of the workers, farmers and all who labor by hand and brain against capitalist exploitation and oppression. As the advanced party of the working class, it stands in the forefront of this struggle.

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

Q That is enough of that.

MR. BUCHMAN: Let him finish the paragraph.

MR. FLYNN: All right, if you wish it.

C 7

THE WITNESS (reading) "It uncompromisingly fights against imperialism and colonial oppression, against racial, national and religious discrimination, against Jim Crowism, anti-Semitism and all forms of chauvinism."

MR. FLYNN: I do not think there is any necessity to go any further than that, is there?

MR. BUCHMAN: We will read the rest of it later.

Q (By Mr. Flynn): Will you tell us what is your understanding as to the term "American working class"?

MR. BUCHMAN: I object to the question.

Q (By Mr. Flynn): The first sentence of the preamble, "The Communist Party of the United States is the political party of the American working class - -

A (Reading): " - - basing itself upon the principles of scientific socialism, Marxism-Leninism."

MR. BUCHMAN: I object to the question. I think the words speak for themselves.

THE COURT: I do not understand the question very well myself.

MR. FLYNN: May it please the Court, the previous witness testified to this very thing prior to the 1945 convention and I want to show by this witness that the same constitution, the same understanding of all that was in it is the same after 1945 as it was prior to 1944. That

C S

is my sole purpose and I want to check this one against the other.

Owens file  
Cavey 1050

Ows fls Cvy  
10:50

1

THE COURT: I think in that question, of course, when you ask for the explanation of the witness, it must be understood that, let us say, it would not be a proper question unless it is the understanding that it gets as the doctrines of the Party not merely the individual interpretation of them. In other words, the expression "working people" is of course in the English language. It has a more or less well-known popular or general meaning.

Now, it is not for you or for Mr. Buchman or for me or any individual member of the jury to say what his understanding of the word "working people" is because it is a common term, but if, however, it is used by a particular association of people, and as used it has a particular or definite or different meaning from that of its common acceptation, it is, of course, proper to put that in evidence. But I am not sure that the question is precisely that.

MR. FLYNN: No, it was not that.

Q (BY MR. FLYNN) I am asking you what was the Party definition? What did the Party mean prior to and subsequent to 1945 by the "American working class" if you know?

MR. BUCHMAN: I object to that question. It seems to me the Government should make its position clear with respect to this, asking a question of that type when the witness refers to Communist Party.

THE COURT: The objection is overruled.

2

Q (BY MR. FLYNN) Answer the question, Mr. Lautner. Just connect it up with the whole sentence, "The Communist Party of the United States is the Political Party of the American Working Class, basing itself upon the principles of scientific Socialism, Marxism-Leninism."

Would you give us the Party meaning of that?

A In this sentence the Communist Party, practically that they speak in the name of the American working class, and they stand on the principles of Marxism-Leninism.

Now, what is Marxism-Leninism.

Q That is the next question. What is it? Can you answer that?

A Yes.

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

THE COURT: Overruled.

A Marxism-Leninism is the sum total of the teachings, the writings and utterances of Marx, Engels, Lenin and Stalin and the way these writings and teachings are officially interpreted today by the outstanding Marxists, that is Stalin, his interpretation is the official interpretation.

That is the philosophy of the dictatorship of the proletariat and the proletarian revolution in this period today which is known as the era of imperialism. The sum total of this is known as Marxism-Leninism, the principles of Marxism-Leninism.

3

Q You referred to the proletarian revolution. Does that include revolution by force and violence?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: Overruled.

THE WITNESS: I testified to that effect, revolution by force and violence, the overthrowing of governments, smashing the state machine of the bourgeoisie. The government is supposed to be an instrument of the bourgeoisie.

Q (BY MR. FLYNN) Now, the second paragraph of the preamble of the constitution of the Communist Party states:

"The Communist Party oppose the achievements of American democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties."

What is the Party understanding of that, particularly "reactionary enemies"?

MR. BRAVERMAN: I object to that. That is assuming facts which are not in evidence. I think the words speak for themselves, Your Honor.

THE COURT: Overruled.

THE WITNESS: There is a contradiction here. Well, one cannot stand on the principles of Marxism-Leninism and at the same time defend the United States Constitution because they are two oppositions, and anyone who is ques-

tioning the principles of, the policies of the Communist Party is considered a red baiter, is considered a reactionary enemy who is anti-democratic, and he is treated as a red baiter who attacks the Communist Party.

In the light of these two sentences there it is a contradiction, which is clear.

Q (BY MR. FLYNN) Do you know what was the purpose of putting in the second sentence there?

MR. BUCHMAN: Objection, Your Honor.

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

MR. FLYNN: If he knows, sir, as a functionary of the Party. I don't know whether he does know or not, but if he does know I would like to have him testify as to the reason for putting it in.

MR. BUCHMAN: Is he a functionary of the Party now?

MR. FLYNN: He was then.

THE COURT: In order to qualify him to answer that question you would have to show just how much he knows of it. That is to say -- well, I don't know, of course, whether he is qualified or not, but ordinarily we can't take the witness' personal view of something which a group of people have adopted as their expression.

Now, if there is in the teachings, if there is



5

any party program or understanding of the doctrines of the Party or the sense in which the words are used or explained, he may be qualified to state that; but I think you must first show the grounds upon which he is qualified to express such opinion.

Q (BY MR. FLYNN) You were present at the adoption of this constitution in the 1945 convention?

A Yes, I was present, and I also taught Party Organization of which this document is a part.

Q Well, now, was there any particular discussion that you recall about the constitution at that 1945 convention? Was it discussed on the floor of the convention? Was there any opposition, or how was it adopted?

A This constitution was adopted on the basis of the report by the head of the constitutional committee, who was John Williamson. He brought this constitution into the convention floor, and he read sections of it, section by section, and it was adopted just section by section after discussion and vote, and then the constitution as a whole was adopted because the preliminary report on the constitution as the main point was democratic centralism which reflects itself in the following as to election, as to discipline, as to structure, as to rights of the Party members, and the preamble as such was this document, and in the main it reflects the life of the Party, democratic centralism,

6

and the way the Party governs itself.

Q Do you have any particular special knowledge as to why that particular preamble was put into the constitution, if you know?

MR. BUCHMAN: I object to that.

Q (BY MR. FLYNN) If you know.

MR. BASSETT: Objection, Your Honor.

THE COURT: I don't know whether he answered the question.

THE WITNESS: I understand the question.

THE COURT: Can you answer yes or no? The question is whether you have a particular knowledge about the wording of the preamble or what it contains.

THE WITNESS: Yes. In the discussion at the convention, I think it was a member of the New York Delegation who raised the question about the words dictatorship of the proletariat not in the preamble, and instead of Williamson answering, Gene Dennis got up and answered, he said, "It is there. Even the blind can see it," or something to that effect, that Marxism-Leninism is already incorporated into the concept of the dictatorship of the proletariat.

MR. BASSETT: I move to strike out the answer as in no way responsive to the question.

THE COURT: Overruled.

MR. FLYNN: I would like to offer in evidence the

7

constitution of the Communist Party adopted in 1945.

MR. BRAVERMAN: No objection.

(Constitution of the Communist Party of the United States was marked Government's Exhibit 24.)

Q (BY MR. FLYNN) Now, Mr. Lautner, after the 1945 convention did you become a full-fledged member of the Party again or did you just remain a full-fledged member of the Party?

A I was a full-fledged member of the Party.

Q You told us about your teaching.

A Yes.

Q Can you tell us very briefly please what you did for the Party, what work you did, what kind of work you conducted between 1945 and 1950 when you went out of the Party?

A Shortly after the convention I was assigned to the nationality group commission of the Communist Party, which is another arm of the national committee. I was also assigned to the National Bureau as Secretary of the Hungarian Bureau of the Communist Party, and did work in that capacity for about six or seven months or so, and I got ill.

A few months later there was a change in the assignment because there was a reorganization in the Party following the convention, following the re-educational program in the Party, and this reorganization took place in the

8

following manner: Based on the 1946 Party registration when every Party member had to state among others their occupation, their profession, there was a re-establishment of industrial sections, a whole slew of industrial sections was established, such as the building trades, there was an A.F. of L. industrial section, a C.I.O., shoes, United Electrical Workers section, the fur section, the Railroad Industrial Concentration section, the Longshoremen section, Teamsters section, and there was an industrial section within the Party for the preparation for the concentration policy, and the big bulky clubs of the Party with members -- sometimes the clubs had as many as four or five hundred members.

These big bulky clubs were broken up and streamlined into small organizations, basic party branches where an eye could be kept on everybody's activity. The great debate was over, and we have come into the period of the Party of action, Party work.

There was strict discipline as to activities, as to work in the Party, and the sections were reorganized.

There was a reorganization throughout the State of New York in this period, and I was assigned as organizer of the building trades of the industrial section for the New York Organization.

Q Just a minute --

MR. BRAVERMAN: I move to strike out the answer,

9  
Your Honor.

THE COURT: Overruled.

Q (BY MR. FLYNN) You said it was reconstituted as the Party of action. Does that have any particular significance to you other than you have already described?

A That's right, the Party --

MR. BUCHMAN: Objection.

THE COURT: Overruled.

THE WITNESS: The Party of Action of Leninism-Marxism, and the question whether only active or inactive members in the Party was decided way back, but that was argued out by Lenin in Russia to have only active members in the Party. This is the type of Party we returned to after 1945.

I was in this building trades organization, that is the building trades industrial section on the basis of the survey made in that 1946 registration, and everywhere all over New York when we heard of workers who were members of the Party, we asked those organizations with which they were attached to release them and bring them into this industrial section. That was the process everywhere in the establishment of these industrial sections.

I was with that for about six months, and then came the unfolding of the concentration policy.

Q What is that, the concentration policy?

10

A The concentration policy is also one of the basic principles of Marxism-Leninism, and such concentration of policy was unfolded in New York where it was decided that the main concentration in New York is transport. That was the center of the main basic industry assigned to the New York Organization by the National Committee.

MR. BRAVERMAN: I object to this, Your Honor. I think we are getting far afield.

THE COURT: The motion is overruled.

Q (BY MR. FLYNN) Just go on and tell us what is this concentration policy.

A Concentration can be summed up in the following sentence. The Communist Party concentrates upon the main decisive industries, and in this industry on the main decisive factories, and in these main decisive factories on the main departments, and in these main departments on the key people.

That is the substance of the concentration policy.

Q What is the purpose of this concentration?

MR. BUCHMAN: Objection. I object, Your Honor.

THE COURT: It is overruled.

THE WITNESS: The main purpose of the Party is to gain control, gain influence over the decisive industrial enterprises of the country. In New York, of course, the main concentration was transport, shipping, teamsters, long-shoremen, railroad.

XX  
11

Q (BY MR. FLYNN) What is the purpose of this concentration policy?

A Once the Party gains control over these industries then one of the conditions for the proletarian revolution is given.

Q Would there be any concentration in labor unions?

A When I spoke about industry that means also unions.

Q All right. Go ahead.

A So such concentration policy was assigned to New York, as I said before to transport, and I worked on that commission which worked on the concentration policy in New York County, the New York County Waterfront, and the head of the commission was Jim Torney.

We broke up New York County, New York City, Manhattan, into six regions, region one being the main region. That was --

MR. BRAVERMAN: Just a minute. Your Honor, we are discussing New York City, and the indictment here deals with the District of Maryland. I don't see the purpose of this. He is testifying about New York and I do not see anything in connection with any particular feature in this case.

THE COURT: I regard it as relevant to the Government's case. We must not overlook, as was stated before, we must not overlook what previously has been said about this whole matter in connection with democratic centralism. Now,

12

whether that is correctly expressed by the witnesses here so far may be a matter of further evidence in the case. At the present time it is in the case and has been explained.

What happened in New York was merely, as I understand from this witness a particularity of the program for the whole party in the whole of the United States.

MR. BRAVERMAN: Can I ask a question, Your Honor? Is it Your Honor's theory that whatever any member of the Communist Party did in any part of the United States is therefore binding upon these defendants here?

THE COURT: Mr. Braverman, if you want me to reply to that question with respect to seeking light for the conduct of the case, I will be glad to do so, but I think that it is perhaps not wise for us to have a discussion or colloquy on that point.

Go ahead, Mr. Witness.

Q (BY MR. FLYNN) You said you were appointed to a committee by a man named -- was it Twohey?

A Torney.



W/bl  
6-1  
fl O  
11:10

Q (By Mr. Flynn) Who appointed you to the committee?

A George Blake, the county organizer of New York County and a member of the New York State Secretariat. So I was assigned to this first region, Region 1, covering the New York waterfront and to organize this particular region we had it broken into six regions. Chelsea was the main concentration region. I was there for a short while. I took ill again. Later on I was operated on on gall bladder conditions. I had a serious operation. I just wanted to indicate I was sick in that particular period, so in the middle of 1947 I was taken out of this region by Thompson, member of the National Committee and Chairman of the New York State organization, and was made head of the New York State Review Commission, and the organization on the basis of the concentration policy which was going on, the region was established firmly, and it became the main concentration region known as the Chelsea Region today.

I was replaced on the new commission when Bob Thompson brought in this very same J. Peters who wrote this "Manual on Organization."

Q Now, this concentration you speak of, was that on a national basis as well as New York?

A That was a national report, and it was based on the report of John Williamson, the articles appeared in these reports, we spelled out in figures how many longshoremen, how

6-2

W/b2

many auto workers we had in the Party, how many seamen, how many miners. Quotas were given to the respective districts who had major concentration tests relating to the basic industries, and, as I said before, New York's main concentration was transport because New York was the world's largest commercial city.

Q Now, let me ask you this: In carrying out this concentration policy what particular thing, if they did any particular thing as to the labor unions, how was it carried on as far as they were concerned?

A The Party by reorganization established shop units, industrial units, and specifically in Chelsea Section on the waterfront not only were we satisfied with having Party members in longshoremen, among the seamen, or in railroad among the teamsters, but the Party from the outside, from the outside clubs organized concentration branches who were working on the outside, at shop gates, who were visiting families of these workers working in these industries while the Party members in the shops and on the point of work raised questions of wages and conditions. The Party from the outside concentrated with the question of the high cost of living and rent, and anything to get closer to these families where the Party made its main effort of concentration to gain a foothold in these various industries.

6-3

Q Now, you said that you were at that time appointed

W/b3

to a certain committee. What was that committee, again?

THE COURT: Review Commission.

A That was the State Review Commission.

Q (By Mr. Flynn) And you, I think, described what your duties were yesterday?

A I did.

Q Now, in connection with that was there any other policy of the Party carried out?

A Well, now, you see, we have covered the educational drive, the reorganizing and the concentration policy. About the middle of 1948 a fourth major step was taken in the Party, and that was preparations to take the Party underground, the Party organization underground.

Q Now, what do you mean by "take the Party underground"?

MR. BUCHMAN: Objection, Your Honor.

THE COURT: Overruled.

A To take certain organizational steps in the Party to guarantee that the Party under any and all conditions will function, law or no law -- I mean whether it will be outlawed or not, the Party took organizational steps to guarantee that it will function under any conditions.

Q Now, who was responsible for this policy?

A This policy emanates from the national chairman, from William Z. Foster, and I was one of the early participants

w/b4

in this phase of work in the New York State organization, and this problem was brought to my attention and to the attention of the members of the State Secretariat by Bob Thompson, the State Chairman of the Party.

Q The State Chairman of the Party?

A Yes. He called us to a meeting. He told me to get a meeting place, he wants to meet with me at 11:00 o'clock at night one day about the middle of 1948. So I gave him my address, and when he found out I called the meeting in my house he bawled me out for not being security conscious. I told him, I says, "I don't know the nature of the meeting you called."

He said, "All right, what have we got so far in the nature of printing presses and what security measures are in effect as to calling Party functionaries to meetings and security measures in general?"

At this first meeting I gave him that report, told him what kind of a structure we had, not to call functionaries from the Party offices to telephones; that we are not writing letters anymore to call meetings of Party functionaries; that we have a different system.

He says, "That is not what we want, and you had better get a meeting place a couple of days from now, and we will have another meeting."

At this second meeting he reported that what we

W/b5

want is an organization within the Party, to prepare an organization within the Party based on a free system that Foster reported to the National Board. This free system, according to Foster's report, was the system applied -- Party system, organizational system applied in Europe, and when Foster was in Europe in 1946 and 1947 in consultation with Party leaders on the other side he came back with this suggestion. This free system worked on the following principles: First, it was the experience of the parties in Europe that after they were forced into illegality there was an approximate contraction of 90 percent of the Party membership, 90 per cent contraction, ten per cent remained and 90 per cent just disappeared or dissolved, went outside of the Party, and as that was the experience of various parties in Europe, also the American Party will be also faced with this type of problem.

Therefore, Bob said -- Bob Thompson said -- Our problem is how to integrate, find and integrate that ten per cent now before it is too late. He made certain qualifications as to who should be integrated and where the organization, this structure, should be built.

First, he said, it must be built in the trade unions and mass organizations where this Party will have a lot of elbow room where it will function.

The qualifications for integration, therefore, one, is to be active party members, party leaders, they must be

W/b6

6-4

loyal, they must be tested Party members who can stand up as Party leaders under any and all conditions. So, on the basis of this we figured out -- New York had a paper membership of approximately 30,000 at that time. Therefore, the question was to integrate about 3,000 in New York State.

MR. BUCHMAN: Just a moment, please. Your Honor, I submit it is all hearsay, and I object to its admission at this time, in New York State.

THE COURT: The particular conversation the witness has narrated with certain named individuals is, of course, immaterial or irrelevant to this case, but I think it is unimportant and not prejudicial. The thing that he is being asked about is: What is the meaning of the expression "Go underground"?

Now, if he can tell us that more shortly and concisely I would ask him to do so. Possibly you can ask some question, Mr. Flynn, which will give more point to the matter. For instance, I know nothing about it, but did the Party go underground, and what is the difference in the activities of the Party underground, above ground? That may be entirely an appropriate question because I am just suggesting something that you might ask to bring the matter to a conclusion.

MR. BUCHMAN: Your Honor, again I make the point that, dealing with the specific intent of the defendants,

w/b7

we are getting third party declarations and hearsay before there is any basis established for these declarations, and I therefore feel -- that is the broad, general ground and main ground upon which I have been objecting, Your Honor.

THE COURT: As I have pointed out time and again, none of the testimony that we are dealing with now of this witness has any specific relation to any one of the five defendants.

Now, go ahead, Mr. Flynn.

Q (By Mr. Flynn) Now, Mr. Lautner, will you tell us, please, did the Party or any part of the Party go underground?

A Yes.

Q Now, what part went underground? When did it go underground, if you know? Don't go into great details, but just tell us.

A New York State was divided up into three areas for underground organizational purposes. Area 1 comprised of Kings County, Brooklyn. Area 1 comprised of New York County, all the industrial sections, plus the agricultural division attached to New York State. Area 2 applied to Queens County, Nassau County, Bronx and Westchester County .

The third area comprised of Buffalo, Rochester, Schenectady, Albany, in the southern tier, known as the Southern Tier, Endicott and Johnson and Binghamton, and all these places. Now, the areas then were broken down into

W/b8

counties, designated as counties. The counties were broken down into regions and sections, sub-sections and groups. On the top was the state three. The state three broke down into the three areas, so you have three on the top. The next level you have nine in each area three. That is nine. So it breaks down, three, nine, twenty-seven, eighty-one, 243, 729 --

6-5

THE COURT: It seems to be in geometrical progression.

MR. FLYNN: Yes.

THE WITNESS: I worked on it so much and so long. Nevertheless, somewhere around 3,000 and a hundred and something was integrated in the underground. By the time I left the Party in 1950 --

THE COURT: I don't know what you mean by saying "integrated in the underground."

THE WITNESS: From the legal functioning Party 3,000 and some odd members were organized into this new structure that in case the legal Party is declared unlawful this illegal Party functions in the trade unions and the mass organizations.

THE COURT: Well, you mean to say that if you had 30,000 members and the Party was, as you express it, outlawed, you had that many before the outlawing by law, that ten per cent or 3,000 would still remain in effect; is that right?

THE WITNESS: As an organized force, as an organized



force centrally directed.

THE COURT: Now, I suppose the next question, naturally, would be: What were they to do or how were they to be organized? Differently or not?

THE WITNESS: Well, that is the question I am coming to.

THE COURT: You are coming to it. All right. Try to come to it as quickly as you can, please, Mr. Lautner.

THE WITNESS: All right.

It was agreed that the main activity of this underground organization would be propaganda, propaganda, and in propaganda leaflets, pamphlets is the main -- two of the main things of expressing, as the Party expressing itself. You cannot get out on the street corner and say, "I am a member of the Communist Party", because it is outlawed. So we supplied on all levels -- we purchased photo -offset high speed printing equipment on top levels and all the way down to the lowest level we manufactured hand-made mimeograph machines so that each group of three is equipped with printing equipment, and that would be the main -- for the main activities besides carrying out the Communist trade union policies in the trade unions and the mass organizations.

Q (By Mr. Flynn) Now, let me ask you this: These people that went underground, did they attend any Communist meetings, or were they at all identified in any way with any

W/b10

open Communist activities?

A At the time I was still in the Party the major portion of them were told to become inactive. Some of them still functioned as Party functionaries on all levels, but they concealed --

MR. BRAVERMAN: Your Honor, I move to strike that out. I think it is getting afield.

THE COURT: No, Mr. Braverman. The witness is dealing with something that the Court is entirely unfamiliar with, and I assume the jury is unfamiliar with it, and I think we must understand what the witness means by these things. Now, I repeat again that it is for the jury to determine how much to believe of the witnesses on either side. We have had no witnesses yet for the defendants, so my comment is necessarily applicable to the witnesses for the Government, but we are dealing with a matter that is certainly not generally known and understood by the public. Whether the facts exist or not depends on what the jury may believe after they have heard all the evidence in the case from both sides, but this matter of the Party going underground is something that is new, I imagine, to most of us in this courtroom, and we want to understand what it means and what the significance may be, if any, in this case as a whole. We are apparently still on the first point in the case. Now, if you have a specific motion or objection let me hear it.

W/b11

MR. BRAVERMAN: Well, Your Honor, I feel that it is not binding upon the defendants. Even if the jury should believe all of the testimony of this witness, I fail to see where it has anything to do with these particular defendants. I don't see its materiality.

THE COURT: Let me make this clear from the standpoint of evidence: You have made this same point, I think this is the third time today. Now, the rule of evidence is this: When you make an objection on a stated ground it is unnecessary to repeat that stated ground to the same situation which occurs again, and, as your objection is on the ground that what this witness said is not specifically applicable to the defendants, I have ruled <sup>if</sup> that is so, and if there is no evidence to tie up the individual defendants to the case, of course, they will be acquitted at the end of the Government's case, but we are now dealing with the one question with regard to the general policy and program of the Communist Party: Whether it has the intention which has been ascribed to it. Now, your objection that the evidence does not relate to the defendants is true, but it is immaterial at this moment.

MR. BRAVERMAN: I did not intend, Your Honor, to be repetitive, but Your Honor asked a question. I answered it.

THE COURT: All right. Whatever it is, it is overruled. Go ahead, Mr. Flynn.

W/b12  
6-6

Q (By Mr. Flynn) Just where were you? Will you just finish up this underground business as quickly as you possibly can, Mr. Witness?

A Well, I described the vertical structure, the pyramid structure. Parallel with this pyramid structure on a horizontal level the following was done: There was a survey made to solicit as many places for the following purposes: where Party leaders can hide out for an indefinite period, where Party leaders can hide out for a specified period of time, where Party leaders can make contact with each other for short meetings, places that have telephones where someone would answer a phone call day and night, day or night, such places. A survey was made to solicit and find places, and these places were found.

THE COURT: I do not see that that is material, Mr. Flynn, to this case, and that is going into detail which it seems to me, although it might very well be true in some particular section of the United States, it may not have happened here.

Q (By Mr. Flynn) May I ask this question: Was that a general policy of the Communist Party all over the United States, or was it only confined to New York?

A That emanate# from William Z. Foster, Chairman of the Party. He is the authority of the Party. That is the general policy on the basis of my understanding. No other

W/b13

conclusions I can draw.

Q Now, let me just ask you this one question.

MR. BUCHMAN: Pardon me, Your Honor. I move to strike the last answer.

THE COURT: Overruled.

Q (By Mr. Flynn) Do I understand you to mean, <sup>by</sup> this "three's" that you are talking about is that only one person knew any of the other three members of the group; is that what you mean?

A What I meant is this: That a higher level can always get in touch with his particular structure of the lower level. A lower level person under no conditions can get in touch with a person on the higher level. It works only in a descending way. It was not a two-way proposition. That was one of the security measures within this structure. Now, there was a group of three on any level. One person in that group only knew two others, that were in his particular group, his contact on the higher level, and the three others that would be below him that he appointed when the structure was organized, so all in all one member anywhere would not know more than six additional members. However, on higher levels, on horizontal aspects of the structure, where loyalty was one of the highest requirements there was little flexibility on this security rule where a Party leader might have known some other members, too.

W/b14

MR. MEYERS: Your Honor, I would like to raise the question here, object to this whole line of questioning. Now, I know there has been some discussion on it, but I have listened at some length the last couple of days and followed it as closely as I am able, and I have yet to see evidence brought into this Court that deals with myself or my co-defendants, but instead what appears to me <sup>is</sup> happening is that a political party is being put on trial. Now, in my opening statement I stated something that we were going to prove. It looks to me like the Government is in the process of proving it now. What I would like to know is if the Government intends to use the Smith Act to put the Communist Party on trial, if that is the intent of this trial, and what is going on here in Court here today, by the use of fantastic stories and mystery serials, and so on.

THE COURT: I am not quite sure what is meant by that, but if it is an objection to the evidence, it is overruled.

Now, go ahead, Mr. Flynn.

MR. MEYERS: Is it possible, Your Honor, to get an answer to the questions that I raised?

THE COURT: No, Mr. Meyers, it is not possible, and is certainly not proper for you to ask questions of a Judge of the Court. Now, I have ruled on the matter. That is all.

Proceed, Mr. Flynn.

Cvy  
11:35

Cv file  
Walker  
1135a

Q (By Mr. Flynn): Mr. Lautner, you testified that you were an organizer in West Virginia, was it? What offices did you hold in West Virginia?

A I was the district organizer of the Communist Party from 1936 April until the end of 1940 in West Virginia.

Q Did you hold any position similar to that in any other portions of the country or sections of the country?

A I worked as a Party functionary in Michigan, Ohio.

Q You went over a long list. I want to ask you just what is the function of a district organizer, what is he and what authority does he have and what should he know about the Party?

A The district organizer is a condensed, accomplished Marxist-Leninist, who knows how to interpret the policies and thinking of the National Committee in his respective district. He is the representative of the National Committee in that district. He has the authority and the power of the National Committee behind him in that district. His work is checked by the National Committee. He works under the supervision of the National Committee and if he falls short of the desires of the National Committee and the expectations of the National

C 2

Committee, he will not be there. He is the functionary of the - the leading functionary in a given district and the representative of the National Committee, the spokesman of the Party in that district.

Q How about the District Committee, the members of the District Committee who make that up and what are their authorities and what do they know about the Party?

MR. BUCHMAN: Just one minute. Your Honor, would my objection as to the lack of expert qualifications extend to these answers. They call for a conclusion, so it won't be necessary for me to renew my objection.

THE COURT: I understand you object -

MR. BUCHMAN: To his conclusions.

THE COURT: You are saying two different things.

MR. BUCHMAN: My objection is first to his answers on the ground that he lacks qualification as an expert, and secondly, I would also say that he is not an expert and what answers he is giving are conclusions and, therefore, I am just wondering whether these two grounds, if applied, it would be necessary for me to get up when he makes his statements and object.

THE COURT: The objection is overruled. Go ahead, Mr. Flynn.

Q (By Mr. Flynn): Will you tell us about the District Committee?



C 3

A The District Committee is a committee elected, in quotation marks, by the District Convention. What role does the District Organizer play in the election and selection of a District Committee? It is the political responsibility of the District Organizer to see to it that there is proper composition on the District Committee, proper political level, the highest type of political level that he can get in that particular district, and also the personal qualifications of individuals on the District Committee.

In the main, these are the political responsibilities of the District Organizer as to the type of District Committee he has or she has. District Committee members are the best available Communists in a given organization in a given district.

Q What connection or relationship does the District Committee have to the District Convention and to the various clubs that you referred to?

A The District Committee gives leadership to all the Party organization in that given district. Democratic centralism is being applied, the highest type of discipline is being enforced by the District Committee and the policies of the District Committee are carried out by the whole membership in that district organization.

Q Now then, when you say "democratic centralism",

C 4

do you mean by that the District Committee and the District Organizer must know first of all what the National body wants and must carry out regardless?

MR. BUCHMAN: I object.

THE COURT: That is a good objection. I think perhaps we can take a ten minute recess. The jury would probably like to have a recess. We will recess for ten minutes.

(A short recess followed.)

THE COURT: Let's go on to something else, Mr. Flynn.

MR. FLYNN: Yes, sir.

Q Mr. Lautner, did you attend the convention of 1948 of the Communist Party, the national convention?

A Yes.

Q Do you know Philip Frankfeld?

A Yes.

Q Did you see him at that convention?

A Yes.

Q Do you see him in court?

A Yes.

Q Point him out, please.

A He is right there, the first in the back row.

Q How long have you known Mr. Frankfeld?

A Since 1934 or thereabouts.

C 5

Q How did you come to know Mr. Frankfeld? How do you know him, where did you meet him and what-not?

A The first time I met him was in, I think, Camp Unity, somewhere around 1934.

Q What was Camp Unity?

A Camp Unity was one of the recreation resorts of the Communist Party.

Q Where was it located?

A Up in the Berkshire Hills in New York State, and then I met him from time to time at National plenums of the Party and national conventions of the Party.

Q You say you first met him in 19 what?

A 1934 or thereabouts, 1934 or somewhere around there.

Q What conventions did you see him at?

THE COURT: Just briefly.

A At the 1948 convention he was there and I have no specific recollection whether he was at this or that convention, but as Party District Organizer in Boston and on the west coast, he was at the same meetings that I was called into in 1938, 1936, 1940 and specifically to the 1948 convention, he was there.

Q 1940, were you at the 1940 convention at the time they acted with regard to the Voerhis Act?

A That was the second convention called in the

C 8

same year. Yes, I was there.

Q Did you hold any office at that convention?

A I was District Organizer of West Virginia. In the 1940 convention, in the summer convention, in the big convention, I was elected to the Presiding Committee of the Convention.

Q The Presiding Committee?

A Yes.

Q Was that November election a special election called for some special purpose?

A That second convention was.

THE COURT: I think there is too much detail about that. You are now just asking him what he knows about Mr. Frankfeld in connection with the Communist Party. I think you better be a little more concise about it.

MR. FLYNN: Of course, that convention I am referring to has been referred to by the other witness at the time of the apparent dissolution of the Party by the Voorhis Act. However, I won't go into that any further.

THE COURT: I think if the defendants or any of them, and particularly Mr. Frankfeld at this time and his relation to the matter, you will have to bring it down within the period covered by the indictment.

C 7

MR. FLYNN: Yes, sir.

Q You referred to a Bob Thompson. Is that William G. Thompson?

A That is Robert Thompson.

Q Robert G. Thompson?

A Correct.

Q Just for the record, can you identify one Jack Kling?

A Jack Kling was the Treasurer of the National Committee of the Communist Party and he was in charge of that committee that lured me down to a cellar in Cleveland, where I was expelled.

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

THE COURT: Well, I didn't hear. Strike it out. Go ahead.

Q (By Mr. Flynn): You say he was Treasurer. I suppose that much can stay in. When was he Treasurer of the Party?

THE COURT: What is the purpose?

MR. FLYNN: We will follow this with other evidence when these people testify and we want to know who they are talking about. We will bring in documentary evidence that these people have been dealing with these particular people financially, so that we will show the

C 8

connection between the National Treasurer, the National financial set-up, has been in contact with and the local functionaries have been in contact with. I merely want to identify them as officers.

THE COURT: What is the name of the person you are walking about now?

MR. FLYNN: Jack Kling, the Treasurer of the Communist Party.

A The Treasurer of the National Committee of the Communist Party.

Q In what year?

A To my knowledge, up to the time of my expulsion in 1950.

Q From what year, if you know?

A From at least 1947.

Q Alexander Trechtenberg.

A Alexander Trechtenberg was formerly a member of the National Committee and at the time of my expulsion and for a number of years he was head of the National Review Commission of the Party.

Q Has he connected with any publishing house?

A He was also head of International Publishers, which, as I testified, was an arm of the National Committee.

Q When?

A With International Publishers, at least twenty

C 9

years head of it.

Q Carl Reinstein?

A Carl Reinstein was Gene Dennis' personal secretary and after Kling he became the Treasurer of the National Committee of the Party.

Q Now, there is just one other person. Were you taught by a person named George Siskind in 1941?

A Yes.

Q What did he teach you?

A In the National Training School, a floating school in New York, where he taught the subject matter of Marxism-Leninism, and he was assistant at that time to Pop Mindell, the Director of the National Training School.

Q Well now, Mr. Lautner, you say that you were expelled from the Communist Party in 1950.

A On the 17th of January, 1950, I read about my expulsion in the Daily Worker.

MR. BUCHMAN: I object because it is irrelevant and immaterial.

THE COURT: So far, I think it is admissible. I overrule the objection. Go ahead.

Q (By Mr. Flynn): You say you read about your expulsion in the Daily Worker?

A I read about it in the Daily Worker.

Q Under what circumstances? Do you know why you

C 10

were expelled, why you were put out of the Party?

MR. BUCHMAN: I object.

THE COURT: I don't know. The answer may be material or not. I have to let in the answer and you can move to strike it out if it is thought to be immaterial.

A According to the statement which I read in the Daily Worker, I was instrumental in proposing unreliable elements in the Communist Party Defense Office and I protected one by the name of Angela Calomiris, who testified for the Government in the New York trial. That was the reason given for my expulsion. I was lured 500 miles away from New York into a cellar.

MR. BRAVERMAN: I object as not responsive.

THE COURT: Do you have the extract from the Daily Worker which the witness refers to?

MR. FLYNN: No, we don't.

THE COURT: Well, is it obtainable?

MR. FLYNN: I think we can probably get it over the weekend. I can't promise but we will make the effort. However, I think this man ought to be permitted to testify as to just what led up, prior to his expulsion, as to what they told him and show whether or not this reason that they gave were exactly the same reasons he thinks he was expelled for.

THE COURT: I am not clear about that, Mr. Flynn.



C 11

For the present, I think I shall have to exclude it.

MR. FLYNN: Here is a man -

THE COURT: You will have to relate it in some way that I can see that it is relevant to the case. Of course, the last answer that he gave, the last words that he gave, perhaps are indicative of something; but I don't know how it is relevant to the case. That is to say, how it could be, whether it was ever brought to the knowledge of these defendants or not. For the moment, I do not see how it relates either to the general program of the Communist Party or to these particular defendants.

MR. FLYNN: It certainly will relate to the discipline of the Party and what happens to a person who breaks discipline.

THE COURT: Even so, I am not at all sure that it is relevant to this case other than the general evidence we have had as to what is meant by "democratic centralism" and so on.

Now, members of the jury, do not attribute any significance whatever to any illustrations I make. I am dealing with a point of evidence only.

Suppose, for instance, one member of the Party in California had in the last few years committed a very definite assault upon another member of the Party and the cause of it was alleged to be Party insubordination or lack

C 12

of discipline or something of that kind. How would that be evidence in this case with regard to these defendants?

MR. FLYNN: Except to show that the discipline of the Party is carried out from the top to the bottom.

THE COURT: If that is why you want to ask it, a general question, you can ask that. As a matter of fact, there has already been evidence of that and now you are asking, as I see it, simply a particular instance of that discipline. Now, I can not see that that is really material to this case and unless there is something to show that these defendants were aware of that particular instance, I do not think it would be relevant to put it in evidence in the case.

Q (By Mr. Flynn): Well now, you have testified that you were on the Control Commission and you testified that that Commission was the one which took care of discipline and I think you made some reference to secret police, is that true?

A Correct.

Q What was the procedure, if there was a procedure set up in that Commission for the expulsion of anyone who broke discipline?

MR. BUCHMAN: Objected to.

THE COURT: How do you relate that to these defendants?

C 15

MR. FLYNN: I am not relating it. I can not relate it directly to these defendants except to show that it is a party policy to do it or is the practice of the Party and they know it because of the fact that they are bound to know what the Party stands for and it is part of the Communist theories and part of their actions, a part of the things they do and certainly a district organizer would know that.

MR. BUCHMAN: I ask Your Honor to direct the jury to take into consideration that statements of the United States Attorney are not evidence.

THE COURT: Mr. Flynn's statement was simply in the nature of an offer to show the admissibility of the question that he asked and, of course, it is not evidence any more than other colloquys between the court and counsel on either side are evidence in the case.

I think it is permissible to show what was the nature of democratic centralism and how, as a Party doctrine or action, it was carried out. I do not think it appropriate to give specific instances of the exercise of that discipline in cases which do not relate to the several defendants who may or may not have known anything about the particular instance. A particular instance may or may not have been really correct at the time.

I am not quite clear what this witness meant

C 14

exactly by saying that he was a member of the Board of Review, except that he said it had reference to discipline itself of the various Party members, but I think you could show the general rule of the Party, if there was one, with regard to how deviations from the pronouncements that have been agreed upon and in connection with the democratic centralism, were carried out generally, not particularly but generally.

Do I make that clear?

MR. FLYNN: Yes, sir. Is that clear to you, Mr. Lautner?

THE WITNESS: Yes.

(By Mr. Flynn): Will you answer that question, please?

A Democratic centralism in relation to discipline was to be guided by constitutional paragraphs pertaining to application of these disciplinary measures, but what happened was this: In any disciplinary case, if there was the benefit of the doubt as to the person who is to be disciplined or the Party, that benefit of the doubt be always balanced in favor of the Party.

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

THE COURT: I overrule the motion.

THE WITNESS: And that is just exactly what happened in my case. I had - the constitution says I had

C 15

rights to bring witnesses and those rights were denied.

THE COURT: Mr. Lautner, you are certainly not on trial at the present time. Go ahead, Mr. Flynn.

Q (By Mr. Flynn): You mentioned rights. What rights were granted by the constitution? What rights do you refer to?

A The constitution allowed for a person, a Party Member, charged with some violation of Party rule, to bring witnesses and to have a hearing.

Q Before whom?

A Before the Review Commission or anybody on the Committee that was to try the disciplinary case.

Q Did that happen in your case? Were you permitted to bring in witnesses?

MR. BUCHMAN: I object.

THE COURT: Sustained.

A No.

THE COURT: Strike out the answer.

Q (By Mr. Flynn): Now, Mr. Lautner, you testified a great deal about teachings and read from books here. As a party functionary for a great long while and knowing what those teachings are, the purposes and what-not, will you tell His Honor and the ladies and gentlemen of the jury just what were the purposes of the teachings that you gave or were told to give in these particular schools from

C 16

these books that you refer to?

MR. BUCHMAN: I object.

THE COURT: The essence of the question is, you are asking the witness what were the purposes of his teachings. I realize, of course, that when counsel are dealing with a generally unfamiliar matter, it is a little hard to phrase questions which may be strictly correct under the rules of evidence, but I do not think that that question can be permitted, what were the purposes in teaching things. There is a possible distinction between the individual's purposes in teaching and the policies or program of the Party as a whole.

That is the thing we are interested in here, technically at least. The program of the Party, and the reason we are interested in that is that the indictment charges a conspiracy of these defendants to subvert and violate the Smith Act.

Now, what is in the Smith Act that violates the laws of the United States?

It is for that reason that the general program or ultimate objectives of the Communist Party are in issue in this case, or may be ultimately in issue, but I do not think you can properly ask this witness what his purposes were in teaching the matter.

(By Mr. Flynn): May I ask this question. When

C 17

you were teaching from these books, were you carrying out the instructions and the purposes of the Communist Party?

MR. BUCHMAN: Objected to.

THE COURT: I think he can answer that.

A Yes.

Q (By Mr. Flynn): Now then, will you tell His Honor and the ladies and gentlemen of the jury what those purposes were?

MR. BRAVERMAN: Object.

THE COURT: You can ask the ultimate question about it. As a doctrine of the Communist Party, the ultimate question is, of course, one that relates to the indictment. I do not know what you mean by purposes generally, Mr. Flynn, or what you are trying to bring out about it and, therefore, as I see the possibility, it may be wide of the mark. I have to be - I won't say "careful"-- I try to be careful at all times and may not always succeed - but I have to apply the rules of evidence in such a way that there won't possibly creep into the case something which really does not belong and which might be prejudicial to the defendants.

Q (By Mr. Flynn): May I put it this way then. Was it the purpose, was it the reason and the ultimate aim of the Communist Party in their teachings and in their books to advocate the overthrow of the government of the United

C 18

States by force and violence?

MR. BUCHMAN: I object.

THE COURT: The only objection to that is that it might be regarded as a leading question.

MR. BUCHMAN: The ultimate issue, too.

THE COURT: No, it is not the ultimate issue in this case in the sense of guilt or innocence of the defendants. It is the ultimate question with regard to one feature of the case, the one we are dealing with this week, as I recall, with minor exceptions. Now, phrase your question in such a way that it will not be a leading question and, as to subject matter, I think it is admissible.

Q (By Mr. Flynn): The matter that you taught and I think you have testified that you were carrying out the line of the Party, will you tell His Honor and the jury whether or not the purposes and the aims of these teachings was the eventual overthrow of the government of the United States by force and violence?

MR. BUCHMAN: I object.

THE COURT: Overruled.

A The answer is yes.

Q (By Mr. Flynn): Was it not the purpose of your Party to cause a revolution?

MR. BUCHMAN: I object.



C 19

THE COURT: Overruled.

A The answer is yes.

Q (By Mr. Flynn): Will you tell us when, if you know, that revolution was to start and under what circumstances?

MR. BRAVERMAN: Object.

THE COURT: Overruled.

A In an emergency, a National emergency and crisis or war, and if the Party had influence enough, wielded influence enough to carry out that revolution with success.

MR. FLYNN: Witness with you.

MR. BRAVERMAN: If Your Honor please, I would like to suggest to the court in the interest of time and in the interest, we think, of a much better opportunity for all the defendants in this case, particularly counsel representing the various defendants, we would like to ask that this be continued over until Monday morning, which will give us the week-end to weigh any questions we want to put to this witness.

THE COURT: Now, Mr. Braverman, I am not prepared to grant your request as fully as you are asking for. I rather understood that very likely the case will have to go over until Monday morning and possible the testimony of this witness will be continued, but I see no reason why, with four counsel at the trial table, you are

C 20

not prepared at least to utilize the time between now and adjournment time.

I have heard many cases, in some of which you have participated as counsel, in which it is nothing unusual for a lawyer to start his cross-examination immediately upon the close of the direct examination. I do not see any reason why it can not be done in this case. We will go on for a while.

MR. BRAVERMAN: May I state one additional reason. I think, as a matter of fact, it is really in the interest of saving ultimate time in this case, and I base that upon this reason: The defendants' counsel have already stated their purpose and I think they are making a sound effort to avoid repetition in the cross-examination. I think the four counsel in this case, really five sitting at the trial table, including Mr. Meyers, can work out amongst us how the questions are to be asked and who is to ask them and so forth and so on without any repetition if we have some time to prepare them and I think ultimately, it will result in the saving of time.

THE COURT: We will go on for the present. Have you any questions at all?

O/b  
f Cvy  
12:20

THE COURT: Let us go on for the moment. I am sure you will have further time over the weekend. Let us go on for the moment. Let us go on.

CROSS-EXAMINATION

BY MR. WRIGHT:

Q I call your attention to what has been admitted in evidence as Government's Exhibit No. 4, the Constitution adopted in 1945.

MR. WRIGHT: Now, I wonder if I can have the copy which is in evidence, please?

THE COURT: It was given to the Reporter.

MR. WRIGHT: Then if it is all right with the Government I will use another copy of this preamble.

THE COURT: Very well.

Q (By Mr. Wright) I want to ask you a question whether you are familiar with this document?

A Yes, I am.

Q Now, I want to call your attention particularly to what is check marked, "Article II, Purposes." Would you read that to the jury, please?

A "Article II, Purposes, Section 1. The purposes of this organization are to promote the best interests and welfare of the working class, and the people of the United States, to defend and extend the democracy of our country, to prevent the rise of fascism, and to

W/b2

advance the cause of progress and peace with the ultimate aim of ridding our country of the scourge of economic crises, unemployment, insecurity, poverty and war, through the realization of the historic aim of the working class -- the establishment of Socialism by the free choice of the majority of the American people."

Q Did you say "free choice"?

A That is what it says here (laughter in the courtroom).

Q I am asking you what you read there.

Now, I would like to call your attention to page 20, which is listed under Article IX, "Disciplinary Procedures" Section 2. Would you read that to the Court and jury, please?

A "Adherence to or participation in activities of any clique, group, circle, faction or party which conspires or acts to subvert, undermine, weaken or overthrow any or all institutions of <sup>American</sup> democracy, whereby the majority of the American people can maintain their right to determine their destinies in any degree, shall be punished by immediate expulsion."

May I remark --

MR. WRIGHT: No, sir. Just answer the question. I am not asking you for any remarks at the moment.

MR. FLYNN: May it please the Court, I don't know

0/b3

why he is not permitted to explain his answer.

THE COURT: Do you want to explain your answer?

MR. WRIGHT: I directed his attention to a particular article, and the article was read in evidence. I just asked him to read it from an exhibit which the Government has introduced, and there was no occasion for any remarks. It is in the English language.

THE COURT: Very well. You may proceed.

MR. WRIGHT: Thank you, Your Honor.

Q (By Mr. Wright) That was the constitution of 1945?

A Yes.

Q Were you present at the convention which adopted that constitution, sir?

A Yes. I voted on the constitution.

Q Thank you, sir.

A There was a consultative vote which was taken.

Q Now I want to call your attention to another document which is not in evidence yet.

MR. WRIGHT: I wonder if I may have it marked for identification?

THE COURT: This is cross-examination, isn't it?

MR. WRIGHT: Yes.

THE COURT: The cross-examination is limited to the direct examination. You say it is not in evidence yet?

MR. WRIGHT: No. I am asking to have it marked for

0/b4

identification at this time.

THE COURT: It has not been offered through the witness and it is not in evidence; there is no occasion for asking him about it?

MR. WRIGHT: Very well, Your Honor.

Q (By Mr. Wright) I would like to ask you this question, Mr. Lautner: What other conventions did you attend other than the one in 1945?

A 1936, 1938, two conventions -- in 1942, 1945, 1948.

Q I want to call your attention specifically to the convention held in 1938. Was a constitution adopted at that convention?

A There was a constitution adopted or amended, amended the constitution, some constitution at every convention.

Q Very well. With respect to the constitution adopted at the convention, we are only interested in the 1938 convention, and we can get to the others later, but were they similar in provision, were there similar provisions in each of these constitutions, similar to the two you read that is already introduced in evidence?

A Yes, they all embodied the principles of the democratic centralism and all the other trimmings.

Q No. Just answer the question.

THE COURT: Just a minute, Mr. Wright. Of course you have to let him answer the question. He answered your

0/b45

other questions and then you objected to his going on in which he wants to explain it.

MR. WRIGHT: Yes.

THE COURT: If you ask him a question you have to let him answer if he has not fully completed his answer.

MR. WRIGHT: I asked him that specific question and then he goes back to something else.

THE COURT: May\_be he is not through?

MR. WRIGHT: I wonder if Your Honor would instruct him to answer yes or no?

THE COURT: No, I wi\_ll not.

Q (By Mr. Wright) You did say, did you not, Mr. Lautner, that there was a similar provision, similar to the two I inquired about specifically in the constitution of 1938?

A I gave my answer to that.

Q Now, was the same true of the convention in 1943 with respect to the two provisions about which I inquired?

A I give the same answer that democratic centralism principles were embodied in the 1943 convention with all the other trimmings that are in it.

Q You mean by "trimmings" that there were other provisions, do you not?

A Provisions that serve -- self-serve the Party interests.

Q I am not asking you that, your interpretation of it,

0/b6

but the provisions were there, were they not?

A For the Communist Party --

Q Were the provisions there?

MR. FLYNN: Just a minute.

THE COURT: Just a moment, Mr. Wright. Let us let him answer.

MR. WRIGHT: I am not asking him for his interpretation, but I am asking him as to whether or not the two provisions were there that I asked him about in the first instance.

THE COURT: Mr. Witness, you may answer the question.

THE WITNESS: What two provisions is that -- are you referring to.

Q (By Mr. Wright) Did you read the preamble that I directed your attention to?

A No, I didn't read the preamble. You didn't direct me to the preamble.

Q In the 1945 constitution that I asked you about, did I not ask you to read Article II in the provision of the constitution?

A This is Article II?

Q Yes. Did I not ask you to look at Article IX, Section 2?

A Is that in the 1948 constitution?

Q I am talking about the 1945, now, sir.



0/b7

A I read --

Q You did read it?

A Yes.

W

12:25

W/bl  
f 0  
12:25  
9-1

Q Now, I ask you again as to whether or not with respect to the conventions you attended in the various years that you gave if similar provisions were not embodied in each of the constitutions by the convention?

A I wouldn't know that. I mean, I am not so sure about that, whether it is the same phraseology or the same substance as these two articles that I read in 1945.

Q If I showed you those documents would that refresh your recollection?

A It might.

MR. WRIGHT: Your Honor, may I show him these documents for that purpose?

MR. FLYNN: Object. If they want to get them into evidence, get them in themselves.

THE COURT: I think that is proper cross-examination. He has testified about the particular wording in the prior constitution.

MR. WRIGHT: Your Honor, I am not asking him about the wording. I am merely asking him to tell whether or not in substance they are similar provisions as adopted by the conventions that he himself said he attended.

THE COURT: Now, is there a question before the Court or not?

MR. WRIGHT: I have asked him one. If it is objected to I will ask the Court to rule on it.

W/b2

THE COURT: Ask it again, Mr. Wright. If it is objected to I will rule on it.

Q (By Mr. Wright) Mr. Witness, if I showed you this document pertaining to the convention that you said you attended in 1945, which is the document you have already identified and is in evidence, would it refresh your recollection as to whether there were the same provisions in the other constitutions adopted by the conventions which you attended?

MR. FLYNN: Objected to.

THE COURT: Overruled -- sustained.

MR. WRIGHT: Very well, sir.

Q (By Mr. Wright) Now, Mr. Lautner, I want to direct your attention to -- I believe you testified that you were in the Army for a brief period; is that correct?

A That is not so. I testified I was in the Army from 1942, November, to June, 1945, and that is not a brief period.

Q Well, let it be a long period, then. Now, I ask you during that period of time when you were in the Army or prior to your -- strike that.

As the result of your induction were you required to fill out any forms?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (By Mr. Wright) Did you when you were in the Army,

9-2

W/b3

in response to a question as to whether or not you belonged to a subversive organization which taught or advocated the violent overthrow of the Government, did you not answer "no" to that question?

MR. FLYNN: Objected to, sir.

THE COURT: I am disposed to sustain the objection. I am not sure whether you might possibly have some basis for it, but what do you think is the relevance in cross-examination?

MR. WRIGHT: Your Honor, the relevance of this is the witness has presented himself as an expert on the Marxist - Leninist theory in so far as was practiced by the Communist Party. In his direct examination he stated that he joined the Communist Party in 1929, I believe, 1927 or 1929, somewhere during that period; that thereafter he continued as a functionary of the Party in various positions and was in a position to know as to what the so-called Marxist - Leninist line was with respect to force and violence.

THE COURT: I see what you have in mind. I will let you ask the question, but I do not know whether you are in asking the question using precise language from an Army questionnaire or whether you are giving your own interpretation to the questionnaire. In other words, I am not clear whether you are asking him whether he did not answer a question and that the question is as you express it, or whether you are

w/b4

yourself putting your interpretations on the effect of the question.

MR. WRIGHT: Well, for clarity, Your Honor, I wonder if I might ask him if there was such a question on the questionnaire first?

THE COURT: Ask him what?

MR. WRIGHT: If there was such a question and, if so, how he answered it.

THE COURT: If there was such a question. Go ahead. Just ask him the question, and the witness will probably be able to answer it one way or the other.

Q (By Mr. Wright) Now, did you answer such a question as I have propounded to you in the negative in 1942 when you went in the Army?

A When I was drafted into the Army in 1942 in November I went to Dix where I was confronted with the first questionnaire at the induction center. I don't think there was such a question on that questionnaire. I don't recall.

Q Did it come on a later questionnaire that you were confronted with?

A I went from Dix to Pickett where I had my basic training, and in Camp Pickett after my basic I was selected by the cadre office to go to Camp Ritchie, Maryland, to the Military Intelligence School. There is where I made out my second questionnaire. On this questionnaire I recall that --

W/b5  
9-3

they asked me what political party I belonged to. I said on that questionnaire that I belonged to the American Labor Party of which I was an enrolled member at that time. I felt no obligation to put on that questionnaire the Communist Party, because Browder, who was general secretary of the Party, by a Party decision absolved from all Communist obligations every member who joined the armed forces. You must understand that this was in 1942, November, during the so-called great alliance. I did, therefore, answer this question that I was a member of the American Labor Party. I answered on that questionnaire that I read all publications, all papers, being a newspaper man. Amongst these publications I also read the Daily Worker; I put that on the questionnaire. I also put on the questionnaire that I was at that time, at the time of my induction, national secretary of the Hungarian Section of the International Workers Order. That questionnaire asked me for five or so people that would know me as references. I gave amongst these five people two ministers, a doctor, and my successor in the International Workers Order as national secretary there, and another person, and these people served with me on the Greater New York Victory Committee in 1942, of which the honorary chairman was Honorable -- Mayor Fiorello H. LaGuardia. There was a question on that questionnaire whether I belonged to any subversive organization. At that time I was a member of the Army, and I was not a member of any

W/b5

subversive organization, and at that time the Schneiderman case was pending in the U. S. Supreme Court, and the U. S. Supreme Court brought a decision on that case and, therefore, in all honesty and in all truthfulness I answered that question "no" and I stated so in numerous hearings prior to this one.

THE COURT: What did you mean by saying that you had been absolved by Browder? I did not understand.

THE WITNESS: Browder was the general secretary of the Party, and he made a statement that it was the policy of the National Committee to absolve from all Party obligations, from membership, those that are going into the armed forces as members of the Communist Party at that time.

MR. WRIGHT: Was Your Honor going to say something?

THE COURT: No, indeed. Next question.

Q (By Mr. Wright) Now, Mr. Witness, you said that the Schneiderman decision had something to say on this question so that you were able, then, to say in all honesty that you were not a member of any subversive organization.

A I didn't say that.

THE COURT: Just a minute. I think you are going too far afield when you have asked about the interpretations that somebody might have about a case that is pending in the Supreme Court of the United States. I do not really think it would advance this case at all by going into that.

W/b7

MR. WRIGHT: I agree with Your Honor entirely except that the witness volunteered that himself, and I wanted to pursue it.

Q-4

THE COURT: He gave that as one incident as to why he felt justified in answering that particular question in the way he did.

MR. WRIGHT: Does Your Honor have some objection to my asking that, why he felt that? It has some bearing upon his membership in the Communist Party.

THE COURT: The purpose of your asking him the question, I assume, about the answer to the Army questionnaire was to impeach him in some way as to his testimony here. He has answered the question fully, the jury has heard it, and it does seem to me that now you are undertaking to cross-examine him further about the various reasons for answering the questions the way he did; you are pursuing something that will lead you up into a blind alley, we would say, in the matter of logic, and I would think it is a futile further inquiry along that line. However, I do not like to necessarily impose my understanding of logic on counsel. If you can further develop your case by asking him that question, go ahead and do it.

MR. WRIGHT: Thank you, Your Honor.

Q (By Mr. Wright) Now, you say that you had an understanding as to why you could answer that question in that



W/b9  
8

manner. That is, that you did not belong to a subversive organization advocating the violent overthrow of the United States Government in 1942 when you were in the armed forces. You had such an understanding as a Communist on the basis of literature that you had read; is that correct?

MR. FLYNN: I object to that, sir. I don't think that that was what he said at all.

THE COURT: I did not hear all of Mr. Wright's question. If you want to press it I will have the Stenographer read it.

MR. WRIGHT: Yes, Your Honor, I would like to pursue this for a moment.

THE COURT: Very well. Mr. Stenographer, read Mr. Wright's question.

(The last question was read by the Reporter.)

THE COURT: I sustain the objection to the question because that is not what the witness said. As I understand his answer, while it was a long one, the final thing that he had been absolved from membership in the Communist Party by the ruling of Earl Browder, at that time the head of the Party.

Q (By Mr. Wright) Let me ask you this, Mr. Witness: Wasn't the further question on that questionnaire: "Have you ever been a member of such an organization?"--As well as being one at the present time, that is, at the time of the

W/b10

9

question propounded to you?

A I don't recall that question.

Q Could it have been there? Is it that you just don't remember?

A Do you want me to speculate?

THE COURT: I sustain the objection.

Q (By Mr. Wright) Is your present recollection based upon the absence of the fact itself or merely that you don't remember?

MR. FLYNN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Wright) Now, I ask you, Mr. Witness, in response to a question asked by Mr. Flynn, you were asked if you knew one Angelina Calomiris.

MR. FLYNN: I did not ask such a question. I object. I did not ask it at all.

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

Q (By Mr. Wright) Did you answer, in answer to a question asked by Mr. Flynn -- you replied that it had to do with your job on the Review Board. Now I ask you if you know Angelina Calomiris?

THE COURT: If you know whom?

MR. WRIGHT: Angelina Calomiris.

THE COURT: Answer, if you can.

THE WITNESS: I saw her twice in my life, both times

W/bl1  
10

in my office, the first time she came and complained about being persecuted in the Party. I listened to her. I told her we will investigate, and the second time she came up to show her reporter's card issued by the New York Police Department because I asked her for a document to prove that she is a professional photographer. Outside of those two instances, I never saw her before in my life, I never saw her after in my life.

BY MR. WRIGHT:

Q Now, I want to ask you something about the time when you say you left the Communist Party, sir. When was that? Only as to the date right now.

A I read my expulsion on January 17, 1950, in the Daily Worker.

Q All right, sir. Now, when did you get employment thereafter?

A When did I get --

Q Yes, from the date that you just gave us.

A -- employment?

Q Yes, sir.

A What do you mean by "employment"? When was I employed after?

Q Yes, when did you get a job for which you got money for your work?

A Soon after that I got unemployment insurance.

THE COURT: What?

W/b11

THE WITNESS: Unemployment insurance.

Q (By Mr. Wright) How long did you stay on unemployment insurance?

A Oh, I don't know, I think about 1950.

Q Well, what part of 1950 was that, sir?

A The latter part of 1950, somewhere around November.

Q About how much were you receiving from your --

THE COURT: Excuse me a minute.

MR. WRIGHT: Yes, Your Honor.

THE COURT: Before 1950 and for some years you were teaching, you say. Did you receive salary or compensation for that?

THE WITNESS: Oh, yes. Yes. There were regular salary and deductions. I was eligible for unemployment insurance.

THE COURT: Then when you were expelled from the Party you say you asked for and obtained unemployment insurance?

THE WITNESS: First, I have to go down to the State Unemployment Office to register and then qualify for positions, and was sent to a number of agencies.

THE COURT: Well, I will not go into details of that now. Now, you are next being asked when did you next get gainful employment.

THE WITNESS: Is that the question?

W/b12  
9-5

Q (By Mr. Wright) Yes.

A About the beginning of 1951.

Q All right, sir. Now, for whom did you go to work?

A For the Department of Justice.

Q And how did it come about, sir, that you went to work for the Department of Justice?

MR. FLYNN: Well, I object to the question.

THE COURT: What is the purpose of that?

MR. WRIGHT: Well, the purpose is merely to show, if I am permitted to develop it, the pecuniary interest of the witness.

THE COURT: To show what?

MR. WRIGHT: To show the interest of the witness in terms of his testimony here.

THE COURT: Very well. All right.

MR. WRIGHT: Mr. Reporter, will you re-read the question, please?

(The last question was read by the Reporter.)

A Some time in the fall of 1950 I wrote a letter to the Department of Justice, to the attention of J. Edgar Hoover, Director of the Federal Bureau of Investigation. In that letter I acquainted him who I was and what conclusions I came to about the Party. Also in that letter I told him that I am willing to give my unqualified -- and I underlined that -- support in the effort of the Government

W/b13

to root out Communism in this country. That is the gist of it.

Q (By Mr. Wright) Now, isn't it a fact, Mr. Witness, that you had been in contact with the Department of Justice prior to that and were a paid informer in the organization of the Communist Party?

MR. FLYNN: I object.

A That is a contemptible lie.

THE COURT: Now, wait a minute. I can understand, of course, the impulse to that, but we get along very much better in the Courts if we restrain our impulses with regard to expressions of that kind. It is so much better to say that it is utterly incorrect.

(Laughter.)

THE COURT: Go ahead.

MR. FLYNN: May it please the Court, may I suggest that counsel might be a little bit guarded as to what they refer to people as? I don't think many people want to be referred to as an informer, and characterizations of that kind, I don't believe, are going to at least have a witness feel comfortable about being charged with that.

MR. BRAVERMAN: Your Honor, there is a book on informers, agents provocateurs, etc., police informer, as used by a university professor.

THE COURT: Do you think that makes it law?

W/blh

MR. BRAVERMAN: No, but I think it is common parlance even among lawyers to use such a term.

THE COURT: In other words, do I understand that you are attempting to justify the frequent use of the word "informer" with respect to Government witnesses? Is that your point of view?

MR. BRAVERMAN: If defendants' counsel feel that is the proper characterization.

THE COURT: I have not made any ruling on it. Mr. Flynn was protesting about the particular use of the term, and in this particular instance, of course, you see the reaction that it got from the witness.

Now, among the desirable attributes of all lawyers, as is shown in the form of the oath which a lawyer has to take to become a member of the bar of this Court, it in effect provides that in substance you do not unnecessarily impugn the character of witnesses. Now, of course, if you gentlemen think it is necessary to use particular language I will have to rule on it, if objected to, in each instance. In the present instance the question has been asked and it has been answered. Now, let us go on with the next question.

Q (By Mr. Wright) I ask you this, Mr. Lautner: After you were so employed how much were you paid for your services?

A The Department of Justice paid me \$25 for every day

W/b15

when I was consulting with them, on special problems, and also \$25 when I was doing research in the libraries for the Department of Justice.

Q Now, from that period of your employment to the present can you give us an estimation as to the actual amount that you have received in dollars and cents?

MR. FLYNN: I object, sir.

THE COURT: Well, off hand. You do not have to go into any mathematical, long calculations about it. Just answer it off hand, a thousand dollars, two thousand dollars, one hundred dollars?

THE WITNESS: To be specific, seven hundred and some odd dollars from the Department of Justice, in the year of 1951.

Q (By Mr. Wright) Now, do I also understand that in addition to that you were given expenses to go around to the various trials where you had testified?

A My train fare was provided, yes, and also my expenses for lodgings and food.

Q And can you give us any approximate figure as to what that would cover, sir?

A I wouldn't know.

Q You are presently still living in New York, as I understand it?

A I was threatened at the time of my expulsion. I don't want to give you my address --



W/b16

Q No. My question is: Are you still living in New York?

A I am living in New York.

Q Now, did you testify in the Schneiderman case which is presently pending in California?

A Yes.

Q On the specific question that Mr. Flynn asked with reference to going underground, I ask you, reading from Volume 19 of the Reporter's transcript in that case, entitled "United States of America against William Schneiderman and others, defendants, Criminal Action No. 22131," now pending in the United States District Court for the Southern District of California, whether on March 3, 1952, at page 2565 you did not so testify as follows, in response to a question:

"Will you look at page 9381? I call your attention to the Official Reporter Proceedings before the Subversive Activities Control Board on January 22, 1952, at page 9381 beginning at line 3, and I will read it to you.

"A All right.

"Q And you can look on it at the same time.

"Also we made it clear --' that is you talking.

"A That is right.

"Q" -- quoting again:

"Also we made it clear that it was necessary to build a structure to safeguard the continuity of the

9-6

W/b17

Party, and that it was necessary to have a structure in case even if the Party is driven underground, to have an organization force that can fight its way back to legality. In a disorganized way that is practically impossible. In an organized way through this structure it would be possible to fight back in an organized fashion and possibly get back to a legal status. That was made clear at the meeting."

Did you so testify there to that effect?

A I also further testified --

Q No. I merely asked you if you testified to what I have read.

A Yes.

Q All right.

A But, Your Honor, may I --

THE COURT: Certainly.

A (Continuing) Going underground had two purposes. The main purpose was to continue the organized force of the Communist Party and with this underground organization to find ways and means to come out to a legal status. Whether it will be under the name of the Communist Party or whether under the name of the Farmer-Labor Party, or some other name, is immaterial; to find some kind of a legal structure, too; so I testified that this was also one of the purposes, but the main purpose was to continue the continuity of the Party organiza-

W/b18

tion underground and to carry on Party activities.

Q You did testify as I outlined to you, did you not?

A That is right, but that is only part of the whole picture that --

Q I am only asking you one question, Mr. Witness.

A Yes.

Q Very well, sir.

A Yes, I testified.

Q All right, sir. Thank you.

A That is part of it.

Q Thank you kindly.

Now, you were under oath at the time you so testified, were you not?

A Correct.

Q And what you said at that time now is true, isn't it?

A What I said at that time is true, and what I am saying now, I am under oath now, to\_o, and that is true, too.

Q Now, will you tell us when you say you first joined the Communist Party?

A In 1929, November or December, in Yorkville, New York, which is a part of Manhattan Island, New York City.

Q By the way, Mr. Witness, what is your educational background?

A My Party education?

w/b19

Q No. I am talking about have you gone to school and in what grades?

A Yes, I was in school. I have public school, high school --

Q That is in New York, sir?

A No. No. I was born on the other side in Europe. I have public school, high school and a year and a couple of months in teachers' college. I am here --

Q Now, all of that was over --

A Yes, over on the other side, yes.

Q Now, did you further your education here upon your return to this country?

A Yes, while I was a student at the Beranton Architectural School I was taking up architecture and designing, while working with my father, and self-education.

Q Now, you say you joined the Party in 1929, I believe?

A Correct.

Q Now, what was your first duty as a Party member at that time?

A When I joined the Party three days later we went down to a shopgate meeting, and we were water hosed on 98th Street, and, of course, the truck drivers of the laundry came out with the water hose and chased us away from our shopgate meeting there.

Q Were you assigned a specific duty?

W/p20

A Yes.

Q Chairman of a committee or something?

A Yes, I was carrying the stepladder to that meeting. That was my first assignment.

Q Now, what was your next organizational duty?

THE COURT: Excuse me. I think we are so near the hour of adjournment we will let the case go over until Monday morning at 10:00 o'clock.

9-7

I hope, Mr. Wright, you have made arrangements with other counsel to take care of any possible questions that might come up affecting your client if you do not find it convenient to be here Monday.

MR. WRIGHT: Well, Your Honor, to this moment I have not been able to do so. I did seek to get a continuance of my commitment in the Court of Appeals of the District of Columbia. Because the Court felt that this Court was of a lesser jurisdiction than it, it would not grant such a leave.

THE COURT: I do not think that is particularly a desirable comment to make. You are a Washington lawyer. You are not in this circuit. I do not understand that there is any rule or practice which requires a court to postpone a case for the convenience of a lawyer to argue a case in what you say is a higher court.

MR. WRIGHT: Well, Your Honor, I didn't mean that in any derogatory manner.

W/b21

THE COURT: It has been my understanding of the law, and I have heard other Judges so say, that the first obligation of a lawyer is to the case in which he is engaged. However that may be, I am suggesting to you that you endeavor to meet both purposes by arrangement with Mr. Buchman to take care of any interests of your client on Monday. I hope you will be able to do that. If you are not going to be here, and if necessary, I will assign Mr. Buchman to representing your client during the day. I do not think it reasonable for a Washington lawyer to enter his appearance in this case quite some months after the particular client has been represented by other counsel and then put up his personal engagements in Washington to the delay of a case that is probably going to take some time in this Court. I would gladly convenience you if it were a matter of my own personal convenience, but it is more than that. It is the administration of this Court, and I do not think it is reasonable to put off a case for a whole day for your own personal convenience and professional activities.

Now, it is so perfectly easy for you to remember that your client will be otherwise protected and represented by making the arrangements with Mr. Buchman who, I believe, was counsel for Mr. Wood, were you not, for some months?

MR. BUCHMAN: I was local counsel. He was represented by Mr. Forer, Your Honor.

W/b22

THE COURT: There was another Washington lawyer who was temporarily in the case?

MR. BUCHMAN: That is right.

THE COURT: Is it in any way inconsistent with your representation of your particular clients, Mr. Bushman, to also represent Mr. Wood?

MR. BUCHMAN: It is entirely up to Mr. Wright and Mr. Wood. I have no objection.

THE COURT: I understand that. I do not wish to appoint any lawyer to represent Mr. Wood, even temporarily, if there is any inconsistency in the position of the lawyer in doing so.

MR. WRIGHT: Your Honor, the only thing in connection with that is I have spoken to Mr. Wood about it, and he is rather insistent, for what reason I don't know, that I be here to continue in this case, and I think it is quite proper. The only thought I had about it, as Your Honor will recall, I did not get into this case until late in January, and this other prior commitment was scheduled for some months prior to that, and it was for that reason alone that I called it to Your Honor's attention. I don't want the Court to feel that I am making any request for my own personal convenience. It certainly is not. It is simply in an effort to see to it that I maintain my obligations to both Courts and to my client in this particular instance.

#/b23

MR. FLYNN: Your Honor, I might point out that Mr. Buchman's appearance is entered for Mr. Wood.

THE COURT: At the present time?

MR. BUCHMAN: Yes, as local counsel.

THE COURT: If there is any question about Mr. Wright's particular situation, I want at all times to be courteous and respectful to other Courts, as I wish also to be reasonable at all times in serving the convenience of all parties to the case, including all lawyers, but, as Mr. Flynn calls to my attention, Mr. Buchman's appearance is also entered in this case, it removes all question in the matter.

MR. BUCHMAN: Of course, my appearance, Your Honor, was entered under a rule of the Court, as I understand, requiring local counsel. It was only in that connection.

THE COURT: Of course, it is local counsel ordinarily to whom the Court looks for responsibility. When you have another lawyer in another jurisdiction coming in by permission of the Court, the Court always nevertheless looks to local counsel for the purpose of guidance and for any formal expression of attitude toward the case. I thought possibly your appearance had not been continued for Mr. Wood, Mr. Buchman, otherwise we would not have taken the five minutes to discuss the matter at all.

You are excused, members of the jury, until Monday morning at 10:00 o'clock, and again I repeat to you the desir-

9-8



W/b24

ability or having no conversation with anybody about this case outside of Court or expressing any opinion, even by chance or casually. Just keep it all to yourselves. Try to absorb all the evidence from time to time with an open mind until you have heard the last word of evidence, the arguments of counsel, and the charge of the Court as to the law in the case.

We will take a recess of this Court until 2:00 o'clock.

(Thereupon, at 1:00 o'clock p.m., an adjournment was taken until Monday, March 17, 1952, at 10:00 o'clock a.m.)

- - - - -

I certify that the foregoing is a true and correct transcript of the above proceedings.

Francis J. Owens

Leroy Walker

Charles G. Laury