

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

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

CALVIN CHESNUT  
SPEC. ASST. ATTORNEY GENERAL  
1200 MURPHY BUILDING  
BALTIMORE 2, MD.

C. 11-17-10, 22322  
Criminal No. 22322

**TRANSCRIPT OF PROCEEDINGS**

Before  
HON. W. CALVIN CHESNUT  
Judge

Monday, March 17, 1952

Volume VI

(Page 911 to page 1102)

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

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
John Leutner	-	914(EU)	1003	1005(EU)
William Odell Nowell	1007(G)	1049(EU)	1081(G)	
Charles W. Nicodemus	1083 (G)			

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

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Baltimore, Maryland  
Monday, March 17, 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.

## APPEARANCES (CONTINUED)

For the Defendants Philip Frankfeld, Regina Frankfeld and Wood:

MR. HAROLD BUCHMAN

For the Defendant Blumberg:

MR. CARL BASSETT

For the Defendant Braverman:

MR. MAURICE BRAVERMAN

For the Defendant Wood:

MR. JAMES T. WRIGHT

For the Defendant Meyers:

MR. GEORGE ALOYSIUS MEYERS

- - - -

Ow 10 am

PROCEEDINGS

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THE CLERK: Call the names of the jury.

THE COURT: Are you ready to proceed, gentlemen?

Thereupon,

JOHN LAUTNER,

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

MR. WRIGHT: May it please the Court, I would like to announce at this time that I was successful in being able to get my case in the Court of Appeals set for the afternoon session at 2 o'clock, and I am therefore here this morning, and I would like to request to be excused at 11:45. It is agreed upon between Mr. Buchman and myself and Mr. Wood that he will act as Mr. Wood's counsel during the period of the afternoon session when I am not able to be here.

THE COURT: Very well.

CROSS-EXAMINATION ( Continued)

By Mr. Buchman:

Q Now, Mr. Lautner, during the entire time in which you were a member of the Communist Party you were never a member of the National Committee, were you?

A No.

Q Or the National Board?

A No.

Q Were you ever a National Officer of the Communist

Party?

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A Yes

Q When were you a National Officer?

A When I was on the Nationality Groups Commission of the National Committee of the Party and a member of the National Review Commission of the Party.

Q I mean, you never held any elective office, did you?

A No -- I held elected offices but not on the National Committee.

Q Were you ever president of the Communist Party?

A No.

Q Vice-president?

A No.

Q Or Secretary?

A No. There are no presidents and vice-presidents in the Communist Party.

Q Well, you were never National Chairman or held any National elective office; is that correct?

A No, that is correct.

Q Now, I think you said you first met Mr. Frankfeld at the 1934 Convention in Cleveland?

A I didn't say that. I said I met Mr. Frankfeld somewhere around 1934 or around there in Camp Unity when he came up from Pittsburgh.

Q You did see him at the 1934 Convention?

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A No, later on I saw him at the conventions and plenums. I didn't say the 1934 Convention.

Q Were you at the 1934 Convention?

A No. The 1934 Convention was in Cleveland, and I was in New York. No.

Q How about the 1936 Convention in which you were a delegate there?

A Yes.

Q Do you know whether or not he was a delegate there?

A No, I don't recall at this moment, but in 1936 -- in the 1938 Convention, if that was at the Manhattan Plaza or in the Manhattan Center, I did see Mr. Frankfeld.

Q Mr. Lautner, Mr. Frankfeld was not a member of the National Committee in 1934 or 1936 to your knowledge; is that correct?

A That could be so. I don't recall, no.

Q Were you at the 1938 Convention?

A Yes.

Q Was Mr. Frankfeld there, do you recall, at this convention?

A If it was held at Manhattan Center, he was there, on 34th Street.

Q He was not elected a member of the National Committee at that convention, was he?

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A He could have been elected as alternate. I am not sure about it.

Q As a matter of fact, he was not a member of the National Committee or an alternate. Does that refresh your recollection?

A I don't -- not to my knowledge, no.

Q I think you said you were an invited guest to the Emergency Convention in 1945?

A Yes.

Q Was Mr. Frankfeld present?

A No, Mr. Frankfeld was not present. In 1945?

Q Yes. He was not elected to the National Committee then either; is that correct?

A I don't know.

Q Were you present at the plenum of the National Committee in 1945 --

A No.

Q -- at which he was present?

A No.

Q You werenot?

A No.

Q You said, I think, in relating the circumstances under which you joined the Communist Party that you first became involved with a dramatic club and later on in relief organization?



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A That is correct.

Q And through friends you met there you joined the Communist Party; is that correct?

A Yes.

Q That was in 1929, was it not?

A Yes.

Q And the depression was in full swing at that time?

A No, not in full swing, 1928 or 1929.

Q Just beginning; is that right?

A At the time I was in the dramatic club there was no depression yet.

Q How about in the relief organization?

A There was no depression yet, but there was a situation down in Ohio in which we collected clothing, and stuff like that, and we sent it down to the Ohio Valley to the Coal Miners there.

Q Was the name of the relief organization the National Unemployment Council?

A No.

Q That was not it?

A The International Workers Relief, I.W.R.

Q Did you do any local relief work in New York City?

A Yes.

Q Such as getting relief for the jobless?

A I told you what we were getting. We were getting

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stuff, clothing, stuff like that for the strike situation down in Ohio and Pennsylvania where the National Miners Union was out on strike.

Q I see.

I think you said you went to Detroit for the National Hungarian Buro in 1930; is that correct?

A Yes.

Q And at that time you helped in organizing the Auto Workers Industrial Union; is that correct?

A I went there as Secretary of the Hungarian Buro in Detroit, and one of our tasks was there to help in organizing the Auto Workers Industrial Union.

Q When you were in Michigan did you help organize the United Auto Workers Industrial Union in Flint?

A Therewas no United Auto Employees. It was the Auto Workers Industrial Union affiliated with the Trade Union Unity League, which was affiliated with the --

Q You helped organize that in Flint?

A I am not finished, but it was --

Q Just answer the question.

A I didn't answer that. Let me finish my answer to the question.

Q When you were in Flint you helped organize?

A It was affiliated with the Red International Trade Unions, which has nothing in common with the Auto Workers

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Union.

Q I am not asking you that question.

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

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MR. FLYNN: I think it is responsive, sir.

THE COURT: What am I asked to do?

MR. BUCHMAN: I move to strike the last answer to the question.

THE COURT: I grant your motion. I think it is quite immaterial.

MR. BUCHMAN: Thank you.

Q (By Mr. Buchman) Now, what was the condition of the organization of the Automobile Workers in Michigan at that time?

MR. FLYNN: I object, sir. I don't think we ought to go into all this. Well, I just object.

THE COURT: I do not wish to restrict the cross-examination. I have not, myself, seen the importance so far of more than one or two questions that have been asked, but I will overrule the present objection, Mr. Buchman, and request you, if you can, to confine the matter to possibly more important phases.

MR. BUCHMAN: Thank you.

Q (By Mr. Buchman) I repeat the question: What was the condition of the organization of Automobile Workers in Michigan at that time?

A Some of them, the Steelworkers, were organized into craft unions, the American Federation of Labor, but the production workers were unorganized.

W/k2

Q And there was no organization there, as a matter of fact, up to the time the Communist Party and you went into Michigan; isn't that correct?

A I said some skilled crafts were organized.

Q Among the auto workers?

A Among the auto workers, steelworkers, diemakers, organizing a machinists' union, and some other craft unions, but the production workers as a whole were unorganized at that time.

Q It is also true that the wages were low and the hours were very long at that time?

MR. FLYNN: Objection.

THE COURT: I sustain that objection. I do not see the relevance of that, Mr. Buchman. If you can point it out I will be glad to hear it, but it does seem to me quite immaterial.

MR. BUCHMAN: If the Court please, it seems to me that the purpose of the line of questioning, Your Honor, is to show what the defendants in the Communist Party actually did during that period representing an application of its program and of its theories and the best evidence of that, and that is the purpose of the line of questioning, sir.

THE COURT: I sustain the objection to that last question.

Q (By Mr. Buchman) Now, isn't it also a fact that

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at that time there was considerable unemployment in Michigan, Mr. Lautner?

MR. FLYNN: Objected to.

THE COURT: Yes. I sustain the objection. I do not see the relevancy of that line of cross-examination in this case.

Q (By Mr. Buchman) I ask you, Mr. Lautner, did you and the Communist Party help to form unemployment councils in Michigan at that time?

MR. FLYNN: Objected to.

THE COURT: Sustained.

MR. BUCHMAN: Your Honor, I would like to make a proffer of proof for the record, then.

THE COURT: Very well. Go ahead.

MR. BUCHMAN: Shall I do it in the form of a statement or addressing questions to the witness?

THE COURT: Just as you like.

Q (By Mr. Buchman) Is it not true that you helped to form unemployment councils in Michigan--

MR. FLYNN: Objected to.

Q (By Mr. Buchman) --during that period?

THE COURT: Sustained.

Q (By Mr. Buchman) Is it also not true that you helped to form and arrange for mass meetings of the automobile workers and the unemployed?

W/k4

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (By Mr. Buchman) Did you not also help to organize the automobile workers at that time in order to improve wages and working conditions?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (By Mr. Buchman) Now, on March 6, 1931, in Detroit was there not a big hunger march?

MR. FLYNN: Objected to.

Q (By Mr. Buchman) Do you know about the march on the Ford plant in which some of the hunger marchers were shot down?

MR. FLYNN: Objected to.

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THE COURT: Mr. Buchman, really I do not see the relevancy of that to this examination. In the first place, it is not cross examination. You had better state what you have in mind so that I can see whether it is relevant to the case.

MR. BUCHMAN: Yes, Your Honor. My purpose, Your Honor, is to show as a means of refuting the direct examination what--

THE COURT: Means of what?

MR. BUCHMAN: As a means of refuting the direct examination, the testimony of the witness as to what the

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Communist Party taught and advocated during the period which he described, what the Communist Party did teach and did during that period, which, to my mind, is a direct way of demonstrating -- or contradicting the witness and also impeaching his credibility in an indirect way, sir.

THE COURT: I did not catch that last phrase.

MR. BUCHMAN: And impeaching his credibility in an indirect way, sir.

THE COURT: I do not see that that tends to impeach his credibility. I do not think that there is anything in the direct examination that will make questions which you are now asking relevant to the case. You can certainly examine him or cross examine him as fully as may be reasonable on any teaching that he made, but I do not recall that he went into any details as to the activities of the Communist Party. I think this witness apparently was called by the Government for the purpose of showing what are the tenets of the Communist Party and what the teaching was and not their activities. If we went into that the Government would be entitled, I suppose, on redirect examination, or possibly on rebuttal or what-not, to show a great many specific acts, and so on, and we would have an interminably long trial about incidents in particularity which I think are not really relevant to this case, so I sustain the objection.

MR. BUCHMAN: I just would like to continue that



W/k6

for a few minutes, Your Honor. May I simply add this: The witness stated that the Communist Party taught and advocated the overthrow of the government by force and violence. The witness stated he has been a member since 1929. Therefore, Your Honor, we feel that relevant to that statement he makes about his teaching is what the Communist Party did, as the best evidence of reflecting what they actually taught.

THE COURT: No. The case does not involve any specific or particular acts of violence. The question is whether such doctrines are taught that would lead to the overthrow of the government by force and violence at certain times, and so on, as the witness has explained. Now, you can fully interrogate him about that. His answers on that in direct examination, as I recall them, were rather direct and specific. You can ask him, of course, whether he knows of any particular acts of violence that were actually committed by the Communist Party.

MR. BUCHMAN: Just one final word, Your Honor, then I will desist. If the witness testified, as he has, that the Communist Party was constituted as a party of action upon its program, then one of the tenets, I think, as he described it, being the close connection between the theory and what they carried out, then we submit that the activity-- and I would do it in a very condensed form -- would in that way reveal their theory.

W/k7

THE COURT: well, put a long question to him which is leading in form which, as you say, condenses the matter, and perhaps I can let you ask it.

MR. BUCHMAN: Thank you, Your Honor.

Q (By Mr. Buchman) During your stay in Michigan is it not true that the Communist Party assisted in organizing the unorganized, helping the unemployed, providing jobs and assisting those on relief, helping those who were being threatened with eviction in maintaining and staying in their homes, and in rendering assistance generally to those in need?

MR. FLYNN: Objected to.

THE COURT: I will let him answer that if he can answer it "yes" or "no."

THE WITNESS: Your Honor, this cannot be answered with a "yes" or "no." The answer is, "yes," but I would like to explain it.

THE COURT: Very well.

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A Stalin, on "Foundations of Leninism" says that the Communist Party at any and all times must find in the chain of events that link which, if carried out successfully to its successful conclusion, will bring along and guarantee the success of all events in that chain. In that particular period, it was a struggle for the unemployed that was the link in the chain. Later on, it was something else and today there is something else, the main link in that chain that guarantees the success and brings closer the realization of the final objectives of the Communist Party.

Q One final question on that subject. Was not one of the principal demands of the Communist Party in that period and wasn't the Communist Party the first to rise or raise the plan of Federal Unemployment Insurance?

MR. FLYNN: Objected to.

THE COURT: Let him answer. I did not know about Federal Unemployment Insurance. A good many people cooperated on that and Congress passed a law about it.

THE WITNESS: There was a Bill introduced in Congress, HR Number, I forget the number, was for Unemployment Insurance at that time.

Q (BY MR. BUCHMAN) Will you answer the question?

THE COURT: I thought he answered.

THE WITNESS: Yes.

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Q (BY MR. BUCHMAN) I asked whether or not the Communist Party was not the first to raise demands for Federal Unemployment Insurance and didn't the Communist Party work for the enactment of the proposal you have just mentioned?

A The Communist Party asked the support of the Bill at that time.

Q I think you were in West Virginia from 1936 to 1940?

A Yes.

Q And when you went to West Virginia, what was the Party membership, if you know, at that time?

A When I got there, I gathered together about thirty-five some odd members and when I left they had about three hundred and fifty.

Q Isn't it true that you and the others helped in the organization of unorganized captive Coal Mines in West Virginia within the framework of the United Mine Workers?

MR. FLYNN: I object.

THE WITNESS: We did not organize captive mines, the Communist Party never did in West Virginia.

Q (BY MR. BUCHMAN) Did you help the United Mine Workers in doing that?

A The United Mine Workers did not ask for our help.

Q Did you help the workers or miners in the state

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during that time you were there?

A We presented resolutions of all sort through local unions that we brought in, either at State C.I.O. Conventions there or at District Meetings of the U.M.W.A. District 17. Our main problem was to bring Coal Miners into the Communist Party and to spread our literature among them and to familiarize the miners with what the Party was doing in West Virginia and throughout the country, we had a campaign for that.

Q What were those campaigns?

THE COURT: Not in detail.

MR. BUCHMAN: Just briefly.

THE WITNESS: There was the Spanish campaign in Spain, 1937 and 1938.

Q (BY MR. BUCHMAN) In helping the loyalists in Spain, is that it?

A That's right, and to get finances for ambulances and stuff like that. Then to build the International Workers Order among the Coal Miners in West Virginia.

Q In 1940 you helped circulate a petition to put the Communist Party on the ballot in West Virginia, is that correct?

A Yes, that was in the cold war.

Q And you required one percent of the electorate to put on the ballot, isn't that correct?

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A That's right.

Q And a lot of work was done in getting signatures?

A Yes.

Q About 10,000 in numbers, is that right?

A About 10,000, that's right.

Q In 1945, you went back to New York, isn't that right, so you were in New York around the time of your release from the army, is that true?

A Yes.

Q The National offices of the Communist Party was located at 36 East 12th Street?

A 35 East 12th Street.

Q And the New York State and New York County offices were also located in the same building?

A Correct.

Q Were there other County Organizations that maintain offices in New York City?

A Yes, there was a County Headquarters in Brooklyn and a County Headquarters in the Bronx and a County Headquarters in Queens.

Q And those offices, the main offices, were listed in the telephone book, weren't they?

A Yes.

Q And isn't it a fact also that the Communist Party publicized the names of the officers of the National Organiza-

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tion?

A Those names for the Communist Party, those names that the Communist Party did publicize. Others the Party did not, some the Party did not.

Q And they also had a publicity man that tried to get the names of the leaders of the Communist Party before the public, isn't that correct?

A Well, they had a public relations man.

Q Well, that is all.

THE WITNESS: I don't know what his task was.

MR. FLYNN: Let him answer the question. You asked if they had a man who was trying to get the names before the public and then you say that is all you want to know.

Q (BY MR. BUCHMAN) You had an election campaign practically every year in New York from 1945 on, is that correct?

MR. FLYNN: I object.

THE COURT: I sustain the objection.

MR. BUCHMAN: Your Honor, may I stop and discuss that line of questioning with Your Honor, the electoral activities of the Communist Party during that period?

THE COURT: No.

MR. BUCHMAN: I would like to make a proffer of proof then.

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THE COURT: Very well, proceed.

Q (BY MR. BUCHMAN) As a matter of fact, did the Communist Party run candidates for office in New York in 1945?

MR. FLYNN: I object.

THE COURT: I sustain the objection.

Q (BY MR. BUCHMAN) Did not the Communist Party in New York always make an effort to have a candidate or candidates in order to acquaint the people with the Communist Party program?

MR. FLYNN: Objected to.

THE COURT: Sustained. Part of my reasoning, Mr. Buchman, is that it has no reasonable relation to the direct examination. You may, when you come to your side of the case, have as relevant many of these things that you are asking about. I am not ruling on that now but I do not think it is cross examination, a good deal of what you are asking this morning.

MR. BUCHMAN: Very well, Your Honor. It was just my purpose, as I stated before, and I won't restate it.

THE COURT: I know that is the purpose but my ruling is that it is not the time to go into that.

Q (BY MR. BUCHMAN) Just a final question on that subject to continue with my proffer of proof, Your Honor. The first councilman who was elected from Kings County was Pete Caccione.



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MR. FLYNN: I object.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Was not Benjamin J. Davis also elected as a councilman in New York City?

MR. FLYNN: I object.

THE COURT: Sustained.

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Q And is it not true that the Communist Party in New York protested when any attempt was made to prevent it from having public meetings?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (By Mr. Buchman) Did it not protest any attempt to restrict its right to use the radio ?

MR. FLYNN: Objected to.

THE COURT: Sustained.

MR. BUCHMAN: Your Honor, on that point, that is a part of the proffer.

Q (By Mr. Buchman) Did it not protest any attempt to restrict its right to circulate literature bearing the imprint of the Communist Party?

MR. FLYNN: Objected to.

THE COURT: That question I don't understand, myself.

MR. BUCHMAN: Did not the Communist Party protest any attempt to restrict its right to circulate its literature during that period?

THE COURT: You mean during what period? What time was it?

MR. BUCHMAN: From 1945 on and before, but I have asked him during the time that he was in New York State, during the period of 1945.

L/2k

THE COURT: Well, I don't think there is anything in direct examination of this witness that bears on that testimony, but it may very well be that your side of the case will have something with respect to that in the record. I am not foreclosing that by my rulings as to this cross-examination. We must remember that cross-examination should always relate to the direct examination, otherwise we would have very extended trials and here about matters which are not really on the issue.

Q (By Mr. Buchman) Now, I think you testified that you became a member of the Review Commission; is that not correct, National Review Commission in 1949, and earlier?

2 A Right after 1948 the Convention of the Communist Party.

Q And were you a member in that National Review Commission in 1949?

A Yes.

Q Now, I want to review your testimony in the Schneiderman case, the United States versus Schneiderman case. That is the case in California. You stated earlier, or you have testified in that case -- and I am reading from page--

THE COURT: Now, may I say about that, as a matter of procedure, that I don't think it is proper to read long extracts to a witness purporting to be evidence in some other

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case. You may, of course, in cross examination, ask the witness whether he didn't make a statement at some other time which you contend is inconsistent with the statement that he has made here as a witness, but reading long extracts from some other testimony and in some other case tends rather to confuse than to clarify.

Now, if you can refer to any statement that the witness has made, and if you wish to show that it is incorrect, you can, of course, ask him whether he didn't make a contrary statement at some other time.

MR. BUCHMAN: Very well, sir.

THE COURT: In that connection, you can ask him whether at some other time did he not say so and so with reference to that matter.

I remember a day last week when there was a long extract, or two or three pages, I think, read from some other case with regard to some other witness. I didn't interfere or interrupt it at the time, but I am now suggesting that the way you are proceeding now has a bearing along that line and I, therefore, point it out to you. It is not, therefore, proper procedure.

If you have just one or two statements that you want to ask him in connection with that, in connection with something that he said which you think is inconsistent with what he has stated here, then you may do that.

L/4k

Q (By Mr. Buchman) Now, in 1949, you made various reports, did you not, in your capacity as a member of the National Review Commission on the subject of "Renegades in the Party."

A Yes.

Q Now, did you not--going to the period of March, 1949--make the following report:

"The war aims of Wall Street manifest themselves in many-sided activities--attacks on the living standard of the working class, attacks on the civil liberties of the people, increased attacks against the Negro people, unprecedented red-baiting, spy scares, stepping up of deportation proceedings, to. A multitude of bills are introduced in Congress and in various state legislatures to silence and outlaw the Communist Party. The party leadership is indicted on phony charges by the Department of Justice.

"This report deals with one aspect of these attacks, that is, the role that is played today by renegade political provocateurs.

"The feverish activities of these finger-men of Wall Street should dispel any liberal illusions in the ranks of the party. To underestimate the role of these renegades in this period is a serious crime. ....

"History in our party proves that those who dis-

L/5k

agreed with the party line and were exposed and expelled always turned out to be stoolpigeons. Names are too numerous to mention."

Isn't that a report that you made, a part of the report that you made, in March 1949?

MR. FLYNN: I object.

THE COURT: Overruled.

A That was a part of a report that I gave to the New York State Secretariat, to the National Review Commission. That is a compilation of the thinking of the New York State Secretariat, namely, Bill Norman, Bob Thompson, and Hyman Simon, and myself. That report was taken down in shorthand and it was mimeographed. It was given out to party leaders in the New York State area.

Q (By Mr. Buchman) Your answer is you did deliver it?

A That is 1949; today it is 1952.

Q At that time you were a member of the Communist Party-- in 1949; isn't that correct?

A Yes, I was State security -- and something happened in Cleveland in 1950 --

MR. BUCHMAN: Nevermind that.

Q (By Mr. Buchman) Now, when you contacted the Federal Bureau of Investigation, Mr. Lautner, were you ever promised any immunity, or were any promises made to you by the Bureau in return for your testimony?

L/6k

A None whatever. In fact, when I first was contacted by the Bureau I had a feeling, a very strong feeling, based on the behavior that they thought it was a plan of the Communist Party--

MR. BUCHMAN: Your Honor, I object to that answer. That is not in response to the question, to the examination. I do not want to unduly prolong this examination.

THE COURT: That is a very laudible view to take, and I am quite in sympathy with that. Of course, if you ask him a question--

MR. BUCHMAN: I am sorry, Your Honor.

THE COURT: I know it is difficult to listen to two people at once and, therefore, I will just wait until you finish and have an opportunity to listen to me.

MR. BUCHMAN: I am sorry, Your Honor. I apologize, Your Honor.

THE COURT: That is all right; I was just waiting until you finished speaking.

Now, when you ask a witness a question, which is inclined to be critical of the witness, it is very natural of the witness to try to explain it fully. It is very natural for the witness to try to give a proper explanation. Therefore, I cannot, with proper due regard for him, Mr. Buchman, just cut him off without letting him make the proper explanation. I don't think I can just cut him off from an explanation.

L/7k

which seems to be relevant to the kind of question that you asked him.

Now, I didn't hear much of what the witness said, and I think the best way to do it now is to ask him another question and go on from there.

Q (By Mr. Bushman) I move on to the next question. Were you told by the Federal Bureau of Investigation that you weren't subject to indictment under the Smith Act yourself as a member of the Communist Party?

MR. FLYNN: I object.

THE COURT: Now, what is the relevancy of that, Mr. Bushman? I don't quite see that.

MR. BUCHMAN: If the Court please, I am endeavoring to ascertain whether any promise of immunity was given to this witness in return for his testimony.

THE COURT: Now, if you were permitted to ask that question, it seems to me that somebody else could ask him, and it would be relevant, for all of the talks at any time that he has had with the FBI, and, I suppose, he could go on and relate incident after incident, if there were such, and it would leave us here for a long, long time on matters that are not really the heart of this case. It would be likely to produce a lot of matters that are not germane to the case.

Therefore, I sustain the objection to that question. You may, however, ask this witness any questions that really



L/Sk

bear upon the subject, upon the credibility of the witness, upon the circumstances under which he acted as a Communist, and any motives that he may now have for his testimony in the case. That is certainly open to attack, if you desire to do so, but I don't see that this particular question is of itself relevant.

End tk

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10:40

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MR. BUCHMAN: Your Honor, I want to ask several questions, just some more questions along this line.

THE COURT: Try another question. I sustain the objection to that question.

Q (BY MR. BUCHMAN) Mr. Lautner, did the F.B.I. ever tell you that if you testified against the members of the Communist Party that they would grant you immunity from prosecution?

MR. FLYNN: Objected to.

THE COURT: I overrule the objection.

THE WITNESS: That is not true. I was never asked for any promises. There was never any threats. I volunteered freely, openly, without any qualification, and when I wrote in September 1950 to the Head of the Federal Bureau of Investigation, J. Edgar Hoover, and I still have the receipt for my registered air mail letter, and if the Bureau is interested they can introduce my letter.

There was no promises, no threats, none whatever.

Q (BY MR. BUCHMAN) Do you expect to be indicted yourself, Mr. Lautner?

A I am not a mind reader. I don't know.

Q You have already testified, I believe, before the Subversive Activities Control Board in Washington, D. C.; is that correct?

A That is correct.

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Q And you testified in the pending Smith Act case in California?

A Yes.

Q Do you expect to testify in the other cases on behalf of the Government?

MR. FLYNN: I object to that.

THE COURT: Mr. Buchman, I am not able to think of or imagine any basis for that question. Do you know of one?

MR. BUCHMAN: I will abandon that line of question, sir.

THE COURT: I do not think that your comment that you will abandon that line is quite accurate.

MR. BUCHMAN: I am sorry.

THE COURT: -- because some of these questions were properly asked, but your last question seemed to me to be entirely -- I don't say "improper" except in the sense of it not being in accordance with the rules of evidence.

MR. BUCHMAN: Your Honor, may I modify my statement to say that I will withdraw that last question.

THE COURT: That is proper.

By Mr. Buchman:

Q Now, Mr. Lautner, have you had a conference with Mr. Flynn or any member of his staff prior to testifying in this case?

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MR. FLYNN: Well, Your Honor, I object to that question, sir. I haven't any real objection to his not answering, but I think that is the kind of question --

THE COURT: That is the kind of question that is frequently asked. All lawyers know that they seldom call witnesses whom they haven't conferred with.

You may answer yes or no. Have you conferred with Mr. Flynn before you testified in this case?

THE WITNESS: Yes.

Q (BY MR. BUCHMAN) Did you talk to them about your testimony in this case?

THE COURT: Well, I think that is not necessary to go into unless you have something specific to show which is of the nature of fraud or false testimony or collusion between counsel and the witness. If you wish to pursue <sup>it</sup> in that light, you are quite at liberty to do so.

MR. BUCHMAN: If Your Honor please, I do have something special in mind, but I do not want to make any assertion --

THE COURT: Just come to it then with some question.

Q (BY MR. BUCHMAN) Isn't it true, Mr. Lautner, that the questions and answers that you have given here on direct examination were written out beforehand and gone over by you?

A That is not correct. The testimony that I have given here is my testimony. It is my own testimony.

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Q But were these questions and answers written out beforehand?

A No. That is not true.

Q Were they written up before you testified in California?

MR. FLYNN: I object to that.

THE COURT: Well, Mr. Buchman --

MR. BUCHMAN: If Your Honor please --

THE COURT: I will simply say that I sustain the objection.

Q (BY MR. BUCHMAN) Is it now your testimony that the questions and answers --

MR. BUCHMAN: If Your Honor please, I don't know whether you appreciate what I have in mind, but I am trying to develop a pattern which I think exists, and that is the reason for my asking that question.

THE COURT: Well, you can ask if there is any pattern that exists, if it is a wrong pattern or a pattern which deviates from the truth. You can ask the witness that, and you can attack his credibility.

You can show, if you can, that he is just making the story up out of the whole cloth. There is no limit to the propriety of attacking the credibility of any witness in this Court; but you cannot do that, Mr. Buchman, by the kind of questions that you recently asked as to whether his

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questions and answers were not written up in some other case.

MR. FLYNN: If Your Honor please, I might say one thing that I do not quite relish the suggestion that my office is making up questions and answers for a witness.

THE COURT: Of course, you do not relish it, and no lawyer would relish it; but that does not stop counsel from proving it if it be true.

Now, go ahead.

MR. BUCHMAN: If Your Honor please, may I offer his testimony as to what was done in a similar case in California and have his testimony before the Subversive Activities Control Board put in which was his own testimony?

THE COURT: Why, certainly not. We are concerned here with the truth of what he has stated in this case.

Q (BY MR. BUCHMAN) Now, Mr. Lautner, I think you said when you got out of the army you met John B. Williamson prior to the 1945 Convention that reconstituted the Communist Party?

A That is correct.

Q And at that time Mr. Williamson was Secretary of the Communist Political Association; is that correct?

A That is correct.

Q And when you met him he gave you some material to read; is that correct?

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A No, he directed me to read the draft resolution and the Duclos letter and the Foster letter to the National Committee and the pre-convention discussion that was going on in the Party at that particular time.

Q I see.

What was done, is it not correct, that prior to June 20, 1945 the National Board of the Communist Political Association had prepared a draft resolution, and the draft resolution was submitted to the National Committee, and on June 20th the National Committee amended the draft resolution which was the subject of discussion of the convention; is that correct?

A Yes.

Q And the draft resolution was the basis for discussion throughout the Communist Party between June 20th and the time of the convention on July 26th; is that right?

A Yes.

Q Was this draft resolution printed and circulated and distributed to your knowledge throughout the association for the membership for the purposes of discussion?

A I don't know. I got a copy of it. It was printed in the Daily Worker.

Q Were you present at all sessions of the National Convention?

A Yes, except when the National Committee was elected,

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they went into a special session, which was also a part of the convention, at which session I was not present.

Q You were appointed, I think you said to the Veterans Commission?

A Yes.

Q And wasn't the mechanics of the convention something like this that there was first the full session of the delegates, visitors and guests?

A Yes.

Q And then after the business of the full session was transacted, the convention broke up into numerous groups for the special purposes that they were working on; is that right? Such as Veterans, Negro, Youth, and so on?

A The convention was broken up into various commissions, and the commissions went to work. Then the full convention assembled again, and the various commissions were reporting on their work and submitting them for approval to the convention as a whole, and then the National Committee was elected.

Q I see.

Now, on the first day of the convention were there rules adopted with respect to the manner in which the convention was to be conducted, rules of procedure?

A There was a very simple novel thing that I didn't see before. A permanent chairman was elected for the 1945 Convention in the person of Irving Potash, and he ran that convention.



Take 6-1  
LW/lk  
Fls Ow  
10:50

Q Well, do you recall that it was proposed and adopted that on all questions that came before the Convention an equal amount of time should be allotted to speakers who spoke for and to speakers who spoke against the proposition?

A I don't know. I don't recall that. There is always a situation where to some persons there is an extended time given, to some there is no extended time given. That is a very flexible rule interpreted by the Chairman of the Convention and at the discretion of the Chairman of the Convention. I don't recall that.

Q But, at any rate, provisions were made to organize the Convention in an orderly fashion and to permit both sides of the question to be heard; is that correct?

A Well, I don't think there was two sides to that Convention with the exception of the personal views and opinions of Browder, and by the time the Convention got together he was discredited. He was there crying for three days.

Q Now, the draft resolution was amended during the course of the Convention, was it not?

THE COURT: Well, I really do not see the desirability of asking detailed questions of this kind as to the particular procedure at the Convention.

MR. BUCHMAN: If the Court please, my purpose is to show the nature of the operation of the Convention, the

W6/2k

democratic nature of the discussion, and the mechanics of the Convention.

THE COURT: Well, I do not think there is any issue here against the procedure of the Convention. We have not heard anything about that.

MR. BUCHMAN: Well, Your Honor, there was some testimony with regard to democratic centralism, Your Honor.

THE COURT: Well, that has nothing to do--the testimony as to that has nothing to do with the procedure in the Convention. Let us go on.

MR. BUCHMAN: That relates directly to that subject, Your Honor.

THE COURT: All right. I have yet, Mr. Buchman, to see the relevancy on cross-examination of so many of your questions. I just felt obliged to comment on that last one because I felt we were taking up time unnecessarily, but I do not want to take it up. Just go ahead.

Q (By Mr. Buchman) Now, it is true, is it not, Mr. Lautner, that at the Convention in 1945 that with respect to both the draft resolution and the constitution, portions of the documents were read to the full Convention, there was discussion, and there was a vote by which they were adopted; isn't that correct?

A I recall on the constitution there was a report and portions read and then discussed and then adopted.

W6/3k

Q Is the same true of the draft resolution?

A It could have been that the draft resolution was read as a whole and then approved by the Convention.

Q And then after the draft resolution was adopted it contained a statement of the position of the organization at that time; isn't that correct?

A That draft resolution became the working policy.

Q And the same is true of the Constitution after it was adopted: it became the Constitution of the organization at the time; is that not correct? At that time?

A Yes, with the understanding of what the Constitution embodies and entails. Now, the principles of democratic centralism, that extends on the principles of Marxism-Leninism, and the rest of the Constitution, I testified on direct, was self-serving.

Q The question I asked you was this: At that time when the Constitution was adopted, that became the Constitution of the organization; isn't that correct?

A Yes. In the constitutional committee they had legal attorneys who helped the constitutional committee to solve some legal angles and embodied that in the Constitution.

MR. BUCHMAN: If the Court please, I move that the answer be stricken. I asked a question which required a simple answer.

THE COURT: The objection is overruled and the

W6/4k

motion is denied.

Q (By Mr. Buchman) The rules and regulations by which the Communist Party governed itself were embraced under the heading "Democratic Centralism"; isn't that correct? Democratic Centralism?

A Yes.

Q And the Communist Party, under that concept of democratic centralism, is based upon a democratic form of organization; isn't that true?

A It is based on a centralized form of organization. The democratic aspect of it pertains only to one little section there, that prior to the Convention there is a 60-day discussion period. After that the National Committee interprets and the National Committee rules the Party under the principles of democratic centralism. It is one-way traffic.

Q Doesn't democratic centralism call for the election of bodies from the highest committee right down to the lowest? Isn't that correct?

A I saw elections in the Communist Party.

Q Isn't that what democratic centralism calls for?

A I will give you an example of how democratic centralism works.

Q Please answer my question "yes" or "no." I am not asking for examples.

THE COURT: He has a perfect right when you ask him

W6/5k

for a definition of something that is not an ordinary concept of people -- democratic centralism -- he has the right to give you the definition as he understands it and to explain it or illustrate it if he pleases. Now, you can withdraw the question if you want to, but if you want to insist on the question, he has the right to answer it.

MR. BUCHMAN: Very well, sir. If the Court please, I will withdraw the question.

Q (By Mr. Buchman) Now, during the course of the 1945 Convention it was pointed out, was it not, that the draft resolution had to be considered in the framework of the social, historical, political and economic situation in which the country found itself at that time?

MR. FLYNN: I object, sir.

THE COURT: Well, if he can answer it "yes" or "no," so answer it.

A A working resolution, a working program, a short range program actually finds in a given situation in a given period under a given set of circumstances--of certain central conditions, and that was that resolution, but that resolution also embodied the basic principles and aims of Marxism-Leninism.

Q That is right.

A Correct.

Q And the resolution itself and the discussion around

6-2

W6/6k

it recognized that the key factor in the country situation at that time was that the defeat of Hitler Germany had opened up possibilities for realizing a long-term peace and new democratic advance in the country; isn't that correct?

THE COURT: Answer it "yes" or "no" if you can.

A I don't know whether the resolution contains these very identical words. I am not able to say that.

THE COURT: Whether it is a full answer that the witness gave, I do not know, but sometimes it is the most satisfactory and relevant one to any question. Your answer to that apparently is "I don't know"; is it not?

THE WITNESS: Correct.

MR. BUCHMAN: If the Court please--

THE WITNESS: I don't know whether the exact words from a resolution were read or not.

MR. BUCHMAN: If the Court please, I would like to read from Government's Exhibit No. 21.

THE COURT: What question do you want to ask about it?

MR. BUCHMAN: In connection with the last question that I asked.

THE COURT: What was the last question?

MR. BUCHMAN: It is not a very long section, sir. I think you did give us the privilege of reading--

THE COURT: Read it to the witness.

W6/7k

MR. BUCHMAN: I have the same thing here. I can save time. I would like to read this to the Jury, sir, from the--

THE COURT: No, that is not proper. You are cross-examining the witness. Now, ask questions of the witness.

MR. BUCHMAN: Does Your Honor mean that I cannot on cross-examination read the same--

THE COURT: I do mean just that.

MR. BUCHMAN: All right, sir.

THE COURT: But you can ask the witness any question about it. If during his direct examination the thing was read to the Jury, you can ask him any question about it that is otherwise relevant.

MR. BUCHMAN: Well, my only point, Your Honor, was that parts of the draft of resolution were read to the Jury, and Your Honor commented at that time that we could read any other sections that we desired from the same resolution, since it is the basic document of the Government.

THE COURT: Yes, at the proper time, as part of the defense, but now we are dealing with the cross-examination of this witness.

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Q (BY MR. BUCHMAN) It is true, is it not, Mr. Lautner, that it was discussed at the convention that despite the defeat of Hitler Germany, a struggle will be necessary to insure the complete defeat of fascism, isn't that true?

A That was also considered but the main discussion of the convention dealt with the revisionist natures of Browder's policies and what you bring in now is only a by-product. That was the reason for the special convention, why Browder deviated from the Marxist-Leninist basic principles, so that is the main problem that was brought up in that convention.

MR. BUCHMAN: If the Court please, I submit I would like to read this --

THE COURT: You may read it to the witness and ask him a question about it.

Q (BY MR. BUCHMAN) I ask you if this is not contained in the resolution adopted at the National Convention of the Communist Party, July 28, 1945, Government Exhibit 21, page 85:

"The military defeat of Nazi Germany is a great historical victory for world democracy, for all mankind. This epochal triumph was brought about by the concerted action of the Anglo-Soviet-American coalition -- by the decisive blows of the Red army, by the American-British offensives, and by the heroic struggle of the resistance



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movements. This victory opens the way for the complete destruction of fascism in Europe and weakens the forces of reaction and fascism everywhere. It has already brought forth a new Anti-Fascist unity of the peoples in Europe marked by the formation in a number of countries of democratic governments representative of the will of the people and by the labor-progressive election victory in Great Britain.

"The crushing of Hitler Germany has also created the conditions for the complete defeat and destruction of fascist Japanese Imperialism. The winning of complete victory in this just war of national liberation is the first prerequisite for obtaining peace and security in the Far East, ----"

Skipping several lines to speed it up.

MR. FLYNN: Suppose you continue.

MR. BUCHMAN: (continuing): "For the democratic unification of China as a free and independent nation, and for the attainment of national independence by the peoples of Indonesia, Indochina, Burma, Korea, Formosa, the Phillipines and India. The smashing of fascist-militarist Japan is likewise essential to help guarantee the efforts of the United Nations to build a durable peace."

And this is the portion I wanted to get to:

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"All these crucial objectives are of vital importance to the national interests of the American people, to the struggle for the complete destruction of fascism everywhere. Now with the defeat of Nazi Germany and the Axis, the possibility of realizing an enduring peace and of making new democratic advances and social progress has been opened up for the peoples by the weakening of reaction and fascism on a world scale and the consequent strengthening of the world-wide democratic forces."

That is contained in that resolution, is that correct, Mr. Lautner?

A Yes, it is correct, but may I say this: The portion that was read related their case, but the terms and conditions under which --

MR. BUCHMAN: If the Court please, I object to the comment. I was trying to speed it up and the witness is commenting and arguing with me.

THE WITNESS: I am not arguing. I am just explaining that the heart of the contents, what counsel read over there, is the kind of peace the Communist Party visualized in 1945 on the question of China, Indonesia and all these other countries.

MR. BUCHMAN: If the Court please, I asked whether this was contained in the resolution of 1945 and not his

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commentary on current political conditions. I therefore move to strike out everything after the word "but".

THE COURT: Overruled.

Q (BY MR. BUCHMAN) Now, I also ask you if it isn't true that in the 1945 Convention it was recognized that a struggle will be necessary to destroy fascism?

A I didn't get that.

Q Didn't you recognize in the 1945 Convention that a struggle was still necessary to insure the complete defeat of fascism?

A In the 1945 resolution there might have been such insertion, yes.

Q And it was recognized that such a struggle was necessary because the roots of fascism had not been fully destroyed in Europe, is that correct?

A Yes.

Q And it was also recognized that such a struggle was necessary because the trusts in America were seeking to reconstruct Europe on a reactionary basis, is that correct?

A That is what the resolution says, yes.

Q And that was what was discussed in the convention, isn't that correct?

A Whether that resolution was discussed as a whole, I don't know whether its specific insertion was taken up for special discussion, I don't know.

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Q Was it also discussed in the convention --

THE COURT: Now, Mr. Buchman, I feel I must put an end now to the line of questioning which I think is not cross-examination. You will have full opportunity when you come to your side of the case to present various matters which you seem to think or you may consider are correct. At that time, I will, of course, be glad to consider them but we must limit the cross-examination to the direct examination. I won't say any more. Go ahead.

MR. BUCHMAN: May I say, Your Honor --

THE COURT: No, I do not care to hear any more of argument about it. It is just taking up too much time. I am not ruling against you at this time on the substance. You may affirmatively develop that line. I am simply trying to keep the cross-examination to the direct examination, and you probably are striving under the guise of cross-examination -- I am not criticizing you personally but giving you my reasons for ruling against you on it -- you are striving under the guise of cross-examination to advance theories about your case that you may or may not believe admissible when we come to your side of the case.

MR. BUCHMAN: If I may be permitted for just one minute, the witness testified that the reconstitution of the Communist Party represented conversion or the advocacy of the overthrow by force and violence. Now, I want to show

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that this resolution did nothing of the kind and that is the basis of my questioning.

THE COURT: You may cross-examine him fully and very explicitly on anything that he said on direct examination and perhaps the most important thing that he said was in answer to a specific question as to whether or not it was a teaching of the Communist Party to overthrow the Government of the United States by force and violence under certain conditions. Now, anything to be said about that, you certainly have a right to cross-examine him on but many of the questions, Mr. Buchman, have been along the line of what I've already explained, that you are asking by that kind of question to advance a theory<sup>about</sup>/the case that would be proper when you come to your side of the case.

MR. BUCHMAN: If the Court please, the development, it seems to me, this resolution would be a direct contradiction to the question that Your Honor mentioned.

THE COURT: I do not think so. We have to use the rules of evidence that the Court is familiar with. Let's go on, please.

Q (BY MR. BUCHMAN) I want to read to you from page 87 of Government Exhibit 21, which is the resolution adopted by the convention, and ask you if that was not what was discussed at the convention: "On the home front the big trusts and monopolies are blocking the development of a

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satisfactory program to meet the human needs of reconversion

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MR. FLYNN: I don't want to break in but I object to this reading.

THE COURT: I sustain the objection along the same line I have explained to you, Mr. Buchman.

MR. BUCHMAN: Will Your Honor indulge me for a moment.

THE COURT: Yes.

MR. BUCHMAN: Your Honor, I would like to proffer for the record a series of questions particularly as to what was discussed at that convention.

THE COURT: Well, there is nothing for me to rule upon until you ask questions, Mr. Buchman.

Q (BY MR. BUCHMAN) Isn't it true, Mr. Lautner, that there was discussed at the convention the problem of the trusts and monopolies that were blocking reconversion on the home front and what I am trying to show, they were trying to prevent the type of government or policy which was deemed necessary to avoid an impending economic crisis?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Wasn't there a discussion of the fact in that convention that the reactionary policies and forces, if not checked in America, the world would be

confronted with fascism and reactionism in the United States?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Didn't the delegates in their discussion recognize that despite the threats that existed, that the objective conditions also existed to defeat such threats --

MR. FLYNN: I object to the form of the question.

THE COURT: Sustained.

MR. FLYNN: Didn't the delegates realize and didn't they do this -- really.

THE COURT: I sustain the objection. Mr. Flynn, I have taken quite a long time this morning in explaining to Mr. Buchman the ground for my rulings on these matters. If he doesn't think that I am right about it, or he does not understand what I have said -- I sustain the objection.

MR. BUCHMAN: I think you said --

THE COURT: Just go ahead, Mr. Buchman.

Q (BY MR. BUCHMAN) I think you said you were a member of the Veterans Commission, is that correct?

A Yes.

Q In that connection, did that commission make a report to the convention?

MR. FLYNN: Objected to.

THE COURT: I think that is not cross-examination.

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I sustain the objection.

Q (BY MR. BUCHMAN) Let me ask -- I will admit all that line of questioning that I followed, Your Honor. Now, at the convention did the delegates not recognize in their discussions the kind of program adopted was the most urgent or met the most urgent and immediate needs of the American people?

MR. FLYNN: Objected to.

THE COURT: Sustained.

MR. BRAVERMAN: May it please the Court, I wonder if I could be heard?

THE COURT: I have sustained the objection, Mr. Braverman.

Q (BY MR. BUCHMAN) Was this program not presented as one upon which all progressives and a great majority of the American people could --

MR. FLYNN: I object.

THE COURT: I sustain the objection for the reasons I have given a number of times. I think counsel will do well to consider the rulings that I have made and to endeavor to conform to them hereafter. I do not think it is quite desirable for counsel to persist in asking question after question along the same line when I have ruled upon it. I again repeat that much of what you are asking this witness may be entirely proper defense when you come to your side



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of the case. I am doing the best I can to enforce the ordinary rules for the examination of witnesses in Court.

MR. BUCHMAN: May I simply state finally -- and I won't pursue this line of questioning, for the record, that the purpose of it was to develop that there was no basis for the witness' conclusions and therefore, it was offered as a direct refutation in the case, which is not the ordinary case, but is dealing with platforms and thoughts and so forth.

THE COURT: All I can say in reply to that is, if that was the purpose of it, I have been unable to ascertain it myself from the questions you have asked. Let's go on.

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11:15

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lk

Q (By Mr. Bushman) Now, Mr. Lautner, is it not true that the teachings of Marxism-Leninism are embedded in thousands of books, articles and documents of various kinds?

A The authorized teachings of Marxism-Leninism are embodied in the writings of Marx, Engels, Lenin and Stalin. That is known as source material, the classics.

Q And aren't there--

A There are all kinds of interpretations and writings about Marxism-Leninism, writings that were used as correct one day and incorrect the next day. A lot of books were withdrawn in my lifetime in the Party that were correct years before and later on they were incorrect; in fact, they were the writings of Fascist and Imperialist agents. The writings of Marx, Engels, Lenin and Stalin are the authorized writings, as far as the basic classics of Marxism-Leninism is concerned.

Q Isn't it true that Marxist-Leninist writings cover practically every aspect of human life and human society?

MR. FLYNN: I object to that, sir.

A It covers one aspect of human society, the materialist concept of human history and human behavior and human relationship.

Q It deals with ethics, philosophy, economics, political science?

A It deals with economics and politics, and in relation to economics and politics it deals with ethics, but not

WB/2k

ethics in a general sense; ethics in relation to materialist philosophy.

Q Now, in addition to the leading exponents of Marxism-Leninism of Marx, Engels, Lenin and Stalin, in each major country in the world there are persons who are generally regarded as Marxist-Leninist; isn't that correct?

A In each country there are persons who try to apply Marxism-Leninism, and these people are known as Communists in the different countries.

Q And they speak from the standpoint of Marxism-Leninism in their own country, or think they do?

A They think they do. They think they can find from time to time that link in the chain of events which brings them closer to the realization of the proletarian dictatorship and of the proletarian revolution.

Q As a matter of fact, there is a conflict among members of the Communist Party as to whether a particular work is a sound Marxist-Leninist work, is there not?

A I don't know whether there was any person who disagreed with Stalin. If he did, he didn't disagree for long. He was finished.

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

THE COURT: No. I would say it is irrelevant, but I would say that we must all remember that we have a very

W8/3k

serious trial, and no expressions of any kind are desirable. Go ahead. I am speaking of the audience rather than counsel.

Q (By Mr. Buchman) Now, Marxist-Leninist writings start basically with the Communist Manifesto, written in 1847-1848; isn't that correct?

A Yes, we have that.

Q And the writings since that time have been writings written by men in various countries in the world; isn't that right?

THE COURT: Now, I think we are getting off the track there. It may very well be that your side of the case may find it proper to develop that, but I do not think it proper from this witness. His direct examination dealt with the modern teachings of the Communist Party.

MR. BUCHMAN: If the Court please, may I just--

THE COURT: No. I am explaining to you, Mr. Buchman, the reason for my ruling. As to the question you are asking, I sustain the objection.

MR. BUCHMAN: All right, sir.

Q (By Mr. Buchman) These writings, Marxist-Leninist writings, include "Capital" by Carl Marx; isn't that correct?

A Yes.

Q A three-volume work?

MR. FLYNN: I object, sir. That has not been introduced in evidence here.

W8/4k

THE COURT: Of course, it is practically the same question that I ruled on a moment ago. If you persist in asking it I shall have to persist in overruling it.

MR. BUCHMAN: If the Court please, my purpose is to indicate that the voluminous body of literature and the isolated sentences and fragments picked out are not representative of the body of Marxism-Leninism. I am leading into that.

THE COURT: When you come to your side of the case you may develop that. I do not think that you--

MR. BUCHMAN: If the Court please, isn't it correct cross-examination to show by this witness that--

THE COURT: No, not in my view, Mr. Buchman. Of course, if I am wrong and if I make an error in the case there may be other opportunities to show that I have made the error. I am doing the best that I can.

Now, let us go on from here.

MR. BUCHMAN: If the Court please, the witness has been qualified as an expert. It seems to me that I am entitled to also test his qualifications as an expert in asking these questions.

THE COURT: All right, go ahead and test it.

MR. BUCHMAN: And that is one of the reasons for the line along which I just proceeded, sir.

THE COURT: Well, I do not think that that is a reasonable approach to it. If you do not wish me to give

W8/5k

reasons for my rulings, Mr. Buchman, I will not do so but will simply sustain or overrule the objections.

MR. BUCHMAN: Does the Court have any suggestions as to how I can test the recollection other than by attempting to examine him on the material with which he professes familiarity?

8-2

THE COURT: Have I any suggestions to make? No, none at all.

Q (By Mr. Buchman) These Marxist-Leninist works, "Capital," "State and Revolution," "The Communist Manifesto," are widely distributed throughout the United States, are they not?

A What do you mean by "widely distributed"? I don't know--

Q They are available to anyone who wants to get a copy at Party book stores, libraries and universities; isn't that correct?

A I don't know. I know in the Party it was available. The Party was pushing it on branch level, section level and on all levels of the organization.

Q They attempted to secure the widest possible sale and distribution of that literature; isn't that correct?

A In the Party, yes.

Q All of the material that you have referred to in your evidence?

W8/6k

A In the Communist Party, yes.

Q You mean that one outside the Communist Party could not purchase that material?

A In the Party book stores, yes.

Q In the New York Public Library aren't there copies of "Capital," "State and Revolution," "The Communist Manifesto," and the other Marxist works?

A The New York Public Library is a reference library, and it is one of the biggest libraries in the world, and there it is cataloged, and upon request they might bring you a copy, but I didn't see it anywhere on the shelves.

Q In other words, on request you can get the copies of these books from the New York Public Library; isn't that correct?

A Because that is one of the world's biggest reference libraries, like in Washington the Congressional Library, the New York Reference Library. I don't know what else, where else. I had no opportunity to observe them to see anywhere else.

Q Is the public precluded from what you described as Party book stores in the purchase of literature to which you referred?

MR. FLYNN: I object.

THE COURT: He can answer that.

A The public is not. It is open for business to

WB/7k

anyone who comes in.

Q In other words, anyone can purchase the books you referred to and read them; isn't that correct?

A Well, they are in business. They have a store. They are in business. They sell it.

Q Now, you attended a national training school in 1941; isn't that correct?

A Yes.

Q In that training school is it not a fact that you were referred to many of the Marxist-Leninist classics?

A I was referred to various subject matters in various books. On the subject of Marxism-Leninism, we had available to us the collective works of Lenin, the selected works, various editions of Lenin's works for--

THE COURT: I think that will do. Just try to make the answers brief and to the point.

Q (By Mr. Buchman) Isn't it a fact that you were told at that training school, among other things, that in order to study Marxism-Leninism you had to study these books in their entirety?

A Yes, in order to get the -- get the--

Q Substance?

A --substance, and Marxism -- especially the writings of Lenin and Stalin. All their writings come to a -- are directed in main towards their main problem, main problem, and



WB/8k

that is the proletarian dictatorship and the dictatorship of the proletariat, and the proletarian revolution, strategy and tactics, how the Russian revolution was successful in 1917; under given conditions how can the policies of Marxism-Leninism apply in a different country, under a different set of circumstances, at a different time. In that sense all material from Lenin and Stalin was available to us on that subject matter. In fact, the Party resolution was available on that subject matter because that was in the period of the so-called phoney war, the Munich pact. In 1941, the Imperialist war. In 1941. We studied all that.

MR. BUCHMAN: If the Court please--

THE COURT: It is the natural consequence of your asking questions which open up to the witness an opportunity to go into a long explanation.

MR. BUCHMAN: If the Court please, the question was--

THE COURT: Mr. Buchman, for many, many years I have tried cases, and I have heard a great many tried, and I know that cross-examination tends to become argumentative between the examiner and the witness, and for that reason the rules have long been established that the cross-examination must directly relate to the direct, and when you drift off into something that he has not brought out in his direct, you naturally get into an argument with the witness.

MR. BUCHMAN: If the Court please, the last question

w8/9k

asked him whether it was not necessary to read the entire works, which is a direct refutation, it seems to me, of his direct testimony, and it called for a very simple answer, sir.

THE COURT: Well, I think his answer was a natural one to your question, in view of the subject matter. Now, the only reason I am saying anything is that you want to step him in his answer, and I again point out if you will ask him questions which are directed to a former teacher of this subject and you want him to answer just "yes" or "no," teachers as a rule do not do that. They have a long explanation very often, or qualifications about their teachings. If you have been a law student, as I am sure you have, you probably learned that yourself as a student.

Q (By Mr. Eushman) Now, did you study "The Communist Manifesto" in that national training school in 1941?

A I studied the "Communist Manifesto" before 1941, and it was referred to in that school, too. I didn't make a special study in this school of one particular document, one particular pamphlet.

Q And you were told, were you not, that the Manifesto was published as the platform of the Communist League, a workingman's association back in 1848; isn't that correct?

A Yes.

Q You were told, were you not, among other things, that this was published under political conditions at that

W8/10k

time which made working men's societies secret societies; isn't that correct?

MR. FLYNN: I object to that, sir. He is going into argument again.

THE COURT: I will let him answer that question.

A Working man's societies or secret societies where, specifically?

Q (By Mr. Bushman) In England at that time.

A No, not in England.

Q Not in England?

A No.

Q I mean generally on the Continent; isn't that correct?

A In Germany, because Bismarck was in power; to some extent in France, but not in England, where the Communist Manifesto was written. In fact, the first International was formed there, and it met openly in a hall. They rented a hall. There was freedom of discussion in that--

End tk  
Owns Fla  
1130

Ows fls  
Wkr 11:30

X 1

THE COURT: Mr. Buchman, can you tell me how long you wish to further examine this witness?

MR. BUCHMAN: I would say possibly an hour, sir.

THE COURT: Well, I would like to take a ten minute recess, and I would appreciate it if you would look over the notes that you have for cross-examination and try to go along the lines indicated as much of the questions this morning have been along the line that I have had to sustain the objections to.

I do not wish you to forego an opportunity to examine the witness on the relevant portions of his testimony in the case.

MR. BUCHMAN: If Your Honor please --

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

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

THE COURT: Proceed.

By Mr. Buchman:

Q Weren't you taught in the schools that what Engels stated in 1886 that certain parts of the Manifesto were no longer applicable?

A I have no specific recollection of that statement.

I can tell you what was taught in that school.

Q Weren't you told that Engels said in 1886 that certain parts of the Manifesto were no longer applicable?

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A I have no recollection of it. It was --

THE COURT: Nothing more. Just say I don't know.

Q (BY MR. BUCHMAN) Were you taught among other things that the practical application of the principles of the Manifesto depend upon historical conditions existing at a particular time and that no particular stress is to be laid upon the revolutionary measures set forth in that document?

THE COURT: Were you told and by whom?

MR. BUCHMAN: Was he taught.

THE COURT: Maybe I didn't hear the question.

Will you read the question to me?

(The last question was read by the Reporter.)

THE COURT: All right, the word is "taught".

Were you taught.

THE WITNESS: In 1941 I was taught that the Communist Manifesto is the basic document, and the document as such with its revolutionary content was applicable in the era of imperialism in 1941.

MR. BUCHMAN: I do not think that answer is responsive to the question.

THE COURT: I think it is. Go ahead.

Q (BY MR. BUCHMAN) Were you taught that the Manifesto developed the principle of the dictatorship of the proletariat?

THE COURT: Was he taught or told? It sounds like

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"told".

Q (BY MR. BUCHMAN) Were you taught that the Communist Manifesto developed the principle of the dictatorship of the proletariat?

A No.

Q That was developed later on, wasn't it?

A The dictatorship of the proletariat was developed by Lenin.

Q I would like to read to the jury from page 7 of the Communist Manifesto.

THE COURT: No. You can ask the <sup>witness a</sup> question.

Q (BY MR. BUCHMAN) I ask you if page 7 of the Communist Manifesto does not state the following:

"However much the state of events may have altered during the last twenty-five years, the general principles laid down in this Manifesto are on the whole as correct today as ever. Here and there some detail might be improved. The practical application of the principles will depend, as the Manifesto itself states, everywhere and at all times on the historical conditions for the time being existing and, for that reason, no special stress is laid on the revolutionary measures proposed at the end of Section II."

That is correct, is it not? That is the correct quotation from the Communist Manifesto?

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A There were two questions, and the one question asked was something read, and then there is another question.

Q Does that refresh your recollection as to what you were taught?

A It does refresh my recollection to this extent that we were studying Marxism-Leninism in 1941, in the era of imperialism, in the era of the dictatorship of the proletariat, in the era of the proletarian revolution, and in that sense this document is an historical document, and it shows the origin of the theory of revolution.

In that sense anything that you read from this document must be viewed from Lenin's viewpoint, what Lenin said is the era of imperialism, which is the era of the proletarian revolution and the dictatorship of the proletariat.

Q It is also true that Marxist-Leninist works have to be interpreted in the light of the existing current economic political and social conditions of each country?

A That is what we had in 1941, but they were far from the existing conditions in 1941 -- in 1948.

Q The same is true that Marxist-Leninist literature at any particular period in any particular stage in the development of any country; is that correct?

A The basic tenets of Marxism-Leninism don't change. What does change is what is known as tactics, but the basic strategy, the basic tenets never change, but the tactics

5

change from time to time.

Q What I want to ask you --

A As we learned in 1941 in that school, we learned that in the period of the '30's the main link in the chain was the struggle against fascism and war. Prior to that time the main link was the struggle against unemployment, and what not, and today the main link is the struggle against imperialism and war, which is so --

Q The struggle for peace, in other words. In other words, what you say is that the interpretation and the study of Marxist-Leninist literature must be made, must be applied, the application must be made in the light of a given historical political situation, and in the light of the existing political institutions and the political history of a country, is that correct?

A I didn't say that. I said that always the Communist Party in its Marxist-Leninist understanding is looking toward that main link in the chain and through that chain can realize their objectives for the proletarian revolution, and that is why all activities for the Communist Party are gauged by how many new members have they brought into the Party and how many new readers do they have for the Daily Worker, and that is the way the Communist Party evaluates it, not on the basis of a draft resolution.

Cvy fls  
11:45



Cvy  
Fls Owns  
1150

Q (By Mr. Bushman) In other words, in the '30's, when you were working to prevent unemployment and to aid the unemployed, you were not interested in the unemployed at all?

A Well, in the application of a given campaign, work was done, it was always done on the basis of how many new party members did you bring in or how many new subscribers to the Daily Worker did you bring in, how did we do in expanding the party membership and Marxism-Leninism and secondary things, how many new members and the unemployment question and other things and so on.

Q In other words, that program had a two-fold purpose, one the achievement of Socialism and the other the immediate aims and needs of the people at that time. Wasn't that your purpose at that time?

A Yes, those were links at all times until I was out of the Party, as I related.

Q When you say "revolution," don't you mean the fundamental change in the class control society?

A When I say "revolution," it means the breaking up of the state apparatus, which is the apparatus of the bourgeoisie into classes, the complete change, the change in the relationship of forces to the forces of raw materials and production of et cetera, et cetera. It means the complete change.

Q Did you teach in your class, quoting from Government Exhibit 23, didn't you teach the following on page 27 on

Cvy/2k

the outline of fundamentals of Marxism-Leninism -- and I am quoting -- "The Socialist Reorganization of Society: A. Establishment of the Political Power of the Working Class-- the Foundation of Soviet Power (1) achieved through revolution-i.e. a fundamental change in the class control of society."

Isn't that what you taught as the definition of revolution?

A I taught the subject matter of Marxism-Leninism, political economy, the party organization in 1947 and in 1948 I had this outline as a guide. I did not teach this particular subject matter but I know the subject matter.

Q Isn't it also true that at one time Engels used the dictatorship of the proletariat or said the dictatorship of the proletariat would take a parliamentary form and then later Lenin stated it would take the form of Soviets or Councils, isn't that correct?

BY MR. FLYNN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Buchman) Isn't it true at one time you were taught and you taught others that at one time Engels said the dictatorship of the proletariat would take the form of a parliamentary--

MR. FLYNN: Object.

THE COURT: Sustained.

Cvy/3k

MR. BUCHMAN: May it please the Court, it seems to me this goes to the heart of his qualifications as an expert.

THE COURT: I do not think so.

Q (By Mr. Buchman) Isn't it a fact you were taught that later because of historical conditions in Russia, specific conditions in Russia, the theory of Soviet or Councils instead of a parliamentary republic was worked out?

MR. FLYNN: I object.

THE COURT: That may be part of your own case when you come to it.

Q (By Mr. Buchman) Isn't it a fact that at the school in 1941 you were taught that one of the basic principles of Marxism-Leninism is that you cannot cling to a theory of history that does not meet the conditions of today?

MR. FLYNN: I object.

THE COURT: What was he taught and not what he taught himself.

MR. BUCHMAN: What he taught.

THE COURT: I think you asked him were you not taught.

MR. BUCHMAN: That is the question I meant.

THE COURT: I know, but it is immaterial unless you say he taught it. On direct examination it was what he taught and what he was instructed to teach and not what somebody else taught him.

Cvy/4k

MR. BUCHMAN: He also testified he attended this training school.

THE COURT: If you ask who taught him that, it might be relevant.

Q (By Mr. Buchman) Didn't you teach that one of the basic propositions of Marxism-Leninism is that you cannot cling to a theory of yesterday that does not fit conditions of today?

A What I taught in '47 and '48 on the subject matter of Marxism-Leninism, that we are in an era of imperialism, that we are in an era of the proletarian revolution and the dictatorship of the proletariat and those were the theories applied in '47 and '48 and also in '41.

Q Again I ask the question, did you teach that one of the basic propositions of Marxism-Leninism is that you cannot cling to a theory of yesterday that does not fit the conditions of today?

A That is a speculative question. I have no recollection of making a direct reference to that particular thought.

Q Weren't you asked in California that question? Isn't it a fact that in this school in 1941 you were taught that one of the basic propositions of Marxism-Leninism is that you cannot cling to a theory of yesterday if it does not fit conditions of today? "Answer: Correct."

A What specific theory do you have in mind? There are

Cvy/5k

theories and theories. Theory as a concept, as a general--  
what specific theory are you referring to?

Q Weren't you also told when you were in the class in 1941 that Marxism-Leninism must always be ready and willing to recognize that they made mistakes and be ready to correct those mistakes?

MR. FLYNN: Objected to, also told.

MR. BUCHMAN: 1941, taught.

THE COURT: What did you testify to about '41?  
What period are you speaking of in '41, after June 22, 1941?

MR. BUCHMAN: He testified in '41 he attended the training school. That is why I asked whether or not he did not teach at this school.

THE COURT: That he was taught?

MR. BUCHMAN: Yes, he went to the training school. He testified to that on direct examination. That is what I am referring to, and that is why I referred to 1941.

THE COURT: Very well. Answer the question if you can.

THE WITNESS: May I have that question?

THE COURT: Mr. Stenographer, read the question.

(Question repeated by the reporter.)

THE WITNESS: There can be no dispute or argument on the basic objectives or the basic strategy of Marxism-Leninism on its applications to achieve the basic, strategic

Cvy/6k

objectives and mistakes which are made from time to time and Communists do recognize these mistakes. In order to correct them and in order to find the proper link in the chain of events and properly evaluate on the basis of them, to support and properly carry out its objectives.

Q (By Mr. Buchman) And the strategic objectives that you refer to of Marxism-Leninism is to achieve Socialism, isn't that correct?

A That is beyond dispute. There is no argument on that, to achieve Socialism through the proletarian revolution and the dictatorship of the proletariat.

Q Weren't you taught in this school that you went to that there were changes both as to the form and as to the manner in which the dictatorship of the proletariat would be achieved?

A The dictatorship of the proletariat in its form might have certain changes, limited changes. In substance, the dictatorship of the proletariat is always under discussion. We might change the forms of government, like in the new democracies, they haven't the Soviet form but they have the dictatorship of the proletariat, just as in the Soviet Union.

Q A parliamentarian--

A It is not parliamentarian. It is the dictatorship of the proletariat. In the Soviet Union, it has the Soviet form of government. In the new democracies they have the so-

Cvy/7k

called people's form of government, but the dictatorship of the proletariat is applied in both cases.

Q In other words, the dictatorship of the proletariat means that the working class is the dominant class of society?

A The dictatorship of the proletariat is precisely said in Stalin's word on "Problems of Leninism", and I testified to that on direct examination, and I do not want to deviate from what Stalin says.

Q You do not?

A No.

Q Doesn't the dictatorship of the proletariat mean that the working class is the ruling class, the dominant class in society?

THE COURT: What is that?

MR. BUCHMAN: Doesn't the dictatorship of the proletariat mean that the working class, the majority of the people, are the ruling class of society?

THE COURT: Are to become?

MR. BUCHMAN: I am asking him.

THE COURT: Are to become?

MR. BUCHMAN: No, I said doesn't the term "dictatorship of the proletariat" mean that the working class or the majority of the population is the dominant or ruling class of society?

THE COURT: I am not quite clear as to what you mean

Cvy/8k

by that. If the witness can answer, let him answer.

THE WITNESS: The dictatorship of the proletariat does not imply in any way -- in fact, it does show to the contrary, that the working class is not in full power yet. That is why it applies terrorism, intimidation, and anything. It does not abide by any laws. You look it up in "Problems of Leninism" and you will find it there, not restricted by any laws. It does not imply that they are the majority of anything yet.

Levin fols  
Cvy 1205



Lv. fls Cvy  
12:05

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Q (BY MR. BUCHMAN) Does this statement appear on page 40 of "Problems of Leninism", which is Government's Exhibit 6:

"Consequently, anyone who identifies the 'dictatorship of the Party' with the dictatorship of the proletariat tacitly starts out from the proposition that the authority of the Party can be built up on violence, which is absurd and absolutely incompatible with Leninism. The authority of the Party is sustained by the confidence of the working class. The confidence of the working class is gained not by violence -- violence only kills it -- but by the Party's correct theory, by the Party's correct policy, by the Party's devotion to the working class, by its contact with the masses of the working class, by its readiness and ability to convince the masses of the correctness of its slogans."

Isn't that the statement contained in "Problems of Leninism" on page 40?

A That statement is part of the polemics between Stalin and some other members of the Russian Politburo, but the same Stalin also says that the Party, the Communist Party, does not share power with anyone once it captures power.

Q Now, at this training school that you attended in 1941, weren't you taught that the object of the tenets being shown to you was to improve the students' understanding with

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Marxism-Leninism, and particularly that application of Marxism-Leninism to given conditions in the United States?

A Oh, yes. Yes.

Q You were told, were you not, that the reason for studying particular conditions and the particular application of the Marxism-Leninism to those conditions was because Marxism is not a Dogma? Were you told that among other things?

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

THE COURT: I sustain the objection. We are running into, more or less, a discourse, a dialogue, between lawyer and witness.

MR. BUCHMAN: Of course, the witness has qualified as an expert, and I am trying to ascertain the basis for his conclusions, particularly with reference to what Your Honor suggested.

THE COURT: I have nothing further to add.

Q (BY MR. BUCHMAN) Isn't it a fact that you were taught that Marxism is opposed to those who simply say that what is correct under one set of conditions, at one particular time and place, is necessarily correct under another set of conditions at another time and place?

MR. FLYNN: Objected to.

THE COURT: I sustain the objection here because it is repetitious. The same question has been asked time and

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time again of this witness during the last hour.

Q (BY MR. BUCHMAN) And weren't you told that in the light of your study of Marxism-Leninism you had to draw your own conclusions about the principles of the Communist Party in the United States and how socialism might be achieved in the United States?

MR. FLYNN: Objected to.

THE COURT: That is all right. You may answer that.

THE WITNESS: I had to draw my own conclusions in this sense. If I would have been out of line with Marxism-Leninism on basic principles, well, then, there would have been something wrong with me, and I wouldn't have taken part in that school. In that sense I had to draw my own conclusion. I was in a Party, a Party discipline, a National Training School.

Q If you disagreed, there was nothing to prevent you from voluntarily leaving the school, was there, Mr. Lautner?

A I don't know about that. I had an experience in Cleveland. I have a lot of doubts about voluntarily leaving, or voluntarily doing anything.

Q Now, you were told -- I think you have testified -- that the basic principles of Marxism-Leninism can be found in various classes, right?

A The basic principles --

MR. FLYNN: I object.

THE COURT: I sustain that objection because it is repetition.

Q (BY MR. BUCHMAN) Now, the valuation, or what you call the tactical valuation of the principles of Marxism-Leninism in the United States could be found in the resolutions of the Communist Party of the United States, is that not correct?

MR. FLYNN: Objected to. That has all been gone over.

MR. BUCHMAN: This is the first time I have asked him that question.

THE COURT: Well, I am not sure about the question.

Mr. Stenographer, will you read that question.

(Thereupon, the last question was read by the Reporter.)

THE COURT: Did you say "resolution"? I thought you said "revolution."

I sustain the objection to it.

MR. BUCHMAN: Your Honor --

THE COURT: What is the next question?

Q (BY MR. BUCHMAN) Well, at the time that you were in the Communist Party, was it not the position of the Communist Party, that its resolutions correctly apply in any

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way to the basic principles of Marxism-Leninism?

MR. FLYNN: Objected to.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Don't those resolutions adopted in 1945, 1945 Convention and subsequent conventions, from the standpoint of the Communist Party of the United States represent what it conceives is a correct valuation of the principles of Marxism-Leninism?

MR. FLYNN: Objected to.

THE COURT: What is the subject of that sentence?

I am not clear about it.

Don't the resolutions do what? Don't they do something?

Mr. Stenographer, will you read that question?

(Thereupon, the last question was read by the Reporter.)

MR. BUCHMAN: Your Honor, may I say simply that we can --

THE COURT: I think it would be desirable --

MR. BUCHMAN: If we can --

THE COURT: I think it would be desirable .

Q (BY MR. BUCHMAN) From the standpoint of the Communist Party, the resolutions adopted at its 1945 Convention correctly apply the principles of the Marxism-Leninism to conditions in the United States, isn't that correct?

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MR. FLYNN: I object to it.

THE COURT: Overruled.

THE WITNESS: I would say that in 1945, in that convention, what happened was Browder's line, the possible peaceful coexistence in the post war period, was rejected, and Foster's line of class war was accepted as the line of the convention.

Q (BY MR. BUCHMAN) I ask you again: From the standpoint of the Communist Party --

THE COURT: Well, I sustain the objection because he has already answered the question.

MR. BUCHMAN: I object because it is unresponsive to the question. It is an unresponsive answer.

THE COURT: I know, Mr. Buchman, but if you will ask him questions that are, more or less, of a theoretical and philosophical nature, you will get a reply of that kind. I have tried to indicate to you that I don't think you are getting anywhere with this line of cross-examination on this witness.

MR. BUCHMAN: If the Court please, the witness has taken sentences from books, and I am trying to put them together into a whole, and it seems to me that it has a direct bearing on his qualifications.

THE COURT: Now, you may take any text from any book that he has referred to on direct examination and ask

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him questions about that, but you aren't doing that.

MR. BUCHMAN: I have attempted to do it with the "Communist Manifesto", and Your Honor limited me there.

THE COURT: You may take any particular part that was referred to and --

MR. BUCHMAN: Reference was made to the "Communist Manifesto" and --

THE COURT: You may take --

MR. BUCHMAN: Reference was made --

THE COURT: I am quite willing to listen to you until you get through.

MR. BUCHMAN: I am sorry, Your Honor.

THE COURT: I would be glad not to interrupt you until you have had an opportunity to complete your statement.

MR. BUCHMAN: I apologize.

THE COURT: Now, you may take any part that he has referred to in his direct examination and show by further questioning that his answers to what he said on direct examination are not correct, or show that he has qualified them, and so on. But mostly what <sup>we</sup> have been asking this morning is whether something is other than what he has said, whether something that he has said isn't true. If it is for the purpose of trying to show by one thing that it is other than the thing he said, that what he says at this time is in some way inconsistent, or appears to be inconsistent, relative to what he said, then

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that is a process of argumentation with the witness, which just won't get us anywhere one way or the other.

MR. BUCHMAN: Your Honor, I beg to differ with you.

THE COURT: Very well. I am sorry, but let's go on.

Q (BY MR. BUCHMAN) I think you said something about Foster's line of class struggle in the sentence before, in the sentence or two ago before.

THE COURT: That isn't the way to go about it. You ask him if he said something about so and so. Now, ask him any question that you want to, but do not ask him, I think you said so and so about so and so. That is just unnecessarily prolonging the matter. Ask him a question if he knows about something.

MR. BUCHMAN: I withdraw that question.

Q (BY MR. BUCHMAN) In answer to a previous question, you stated what the 1945 Convention did was to adopt Foster's theory of class struggle?

A I said Foster's line, his report in exposing Browder's theory of post war collaboration. That report of Foster's was the main report that was accepted by the convention, and the Party was reconstituted on the basis of the Foster line -- not the Foster theory -- the Foster line presented at that convention. That is what I said.

Q Well, weren't you taught in 1941 that Marx said that he didn't invent the class struggle, he merely discussed the



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line of it?

A I said Foster's line, tactical line, in carrying out the class struggle by the Party leadership and the Party as a whole as a result in the 1945 convention.

Q And that line to which you refer was incorporated in the resolutions adopted at that convention, is that not correct?

A Foster's report was the main report that was accepted and voted upon, and we can discuss Foster's report, and then you can compare it to the resolution, whether that resolution reflects Foster's report. The resolution is a carefully drawn up document, and we can discuss that.

Wkr fls  
12:15 pm.

LW Fla  
Levin  
1218  
lk

Q Now, you were taught in the 1941 school that you attended, were you not, that at any given time the resolutions of the Communist Party as of that time represents its position as to the correct application of Marxism-Leninism in the United States; isn't that correct?

MR. FLYNN: Objected to.

A The practical application.

Q (By Mr. Buchman) Practical application?

A Correct.

Q And that from time to time, because of changing conditions, the Communist Party has changed its position with respect to various matters?

A That has changed--

MR. FLYNN: I object to that.

THE COURT: Sustained. It is repetition.

Q (By Mr. Buchman) Now, are you familiar with Mr. Dimitroff's book, "The United Front against Facism",--

MR. FLYNN: Objected to.

Q --Defendants' Exhibit No. 1?

THE COURT: Did this witness put that in evidence?

MR. BUCHMAN: No, Your Honor, but we are dealing with an entire body of--

THE COURT: Very well. The objection is sustained.

Q (By Mr. Buchman) Now, do you recall the May-Day

W/2k

appeal of 1947 of the National Board of the Communist Party?

MR. FLYNN: What? I object to that, sir. I think the May-Day appeal--

THE COURT: I did not hear the question. He is now talking about 1947, the Communist Party.

Repeat the question, Mr. Buchman, please.

Q (By Mr. Buchman) Do you recall the May-Day appeal in 1947 by the National Board of the Communist Party?

THE COURT: Did he put that in evidence?

MR. FLYNN: No, sir.

THE COURT: Sustained.

Mr. Buchman, I do not wish to unduly hasten you, but I would be glad if you can go on, sir, if you have any other questions to ask.

MR. BUCHMAN: Yes, Your Honor.

Q (By Mr. Buchman) Did you hear John Williamson at the special convention of 1945 deliver his report on the re-constitution of the Communist Party?

A John Williamson was head of the Constitution Commission of the Convention, and he gave a report, correct.

Q Now, I want to read to you from Government's Exhibit No. 21, at page 72, and ask you several questions pertaining to it.

MR. FLYNN: What page, Mr. Buchman?

MR. BUCHMAN: Page 72.

W/3k

THE COURT: Was that put in evidence by this witness?

MR. BUCHMAN: That is in evidence by the Government.

THE CLERK: It is Government's Exhibit 21, Your Honor.

Q (By Mr. Buchman) Quote: "In emphasizing that we adhere to the principles of Marxism we should never forget that this means:

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

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

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

W/4k

lists."

Do you remember his saying that, among other things?

A Yes, those are the tactical approach that he reported on that commission, and that is part of his report; that is right.

Q And do you remember that the draft resolution submitted by the National Committee of the Communist Party to the 1948 Communist Party Convention contained the following clause: Quote--

MR. FLYNN: Objection.

THE COURT: I sustain the objection to that method of examining the witness.

Q (By Mr. Buchman) By the way, are you acquainted with Paul Crouch?

A I know him since 1936.

Q Have you joined his Federation of Ex-Communists?

A Now, here we go again. I didn't join anything.

Q All right.

THE COURT: Is there any evidence that Mr. Crouch has a Federation of Ex-Communists?

MR. BUCHMAN: Yes, Your Honor, there is.

MR. FLYNN: What evidence is there? Where is the evidence?

MR. BUCHMAN: I can produce it.

W/5k

MR. FLYNN: In this case?

THE COURT: Well, why do you ask the question if it has not appeared in evidence yet? Do you wish to withdraw that question?

MR. BUGHMAN: Is it improper to ask a question--

THE COURT: I think it is quite improper to ask a question which implies the existence of something of which there is no evidence in the case.

MR. BUGHMAN: That there has been no previous evidence in the case? In that case, Your Honor, I will be glad to withdraw it.

No further questions, Your Honor.

THE COURT: Is there any redirect?

REDIRECT EXAMINATION

Q (By Mr. Flynn) Mr. Lautner, in response to one of the questions you made some reference to materialistic aspects and policies. What do you mean by that?

A Well, that is the Marxist outlook, the materialistic concept of life.

Q When you say "materialistic," what is meant by that?

A The denial of God, the denial of the supernatural. Marxism classifies that as metaphysical, mystic,--

THE COURT: I do not hear it.

Q (By Mr. Flynn) Repeat it and keep your voice up, please.

W/6k

A The denial of God. Marxism brands anything in that direction as metaphysical.

THE COURT: What?

THE WITNESS: Metaphysical. Marx took the rationale, the kernel of Hegel's philosophy, who was an idealist, and turned Hegel's philosophy into just its opposite, applied Hegel's dialectics, to which Marx added his materialistic concept, and there is how you get dialectical materialism as the outlook, the Marxist Welt anschauung -- that is a German word -- the way you look at the world, Marxist outlook, Marxist philosophy.

Q (By Mr. Flynn) Just one other thing, Mr. Lautner. You were asked about the revolution as referred to in some of the writings, and you said the revolution was the breaking up of the state apparatus. Just what did you mean by that?

A Breaking up of the government of a given society or a given state, breaking up, taking over the government and breaking it up all the way down to the minutest functionaries and to put in those functionaries who are acceptable to the Communist Party, who is the Party in power.

Q Is that what is meant each time you find a reference to the revolution of the proletariat?

A That is correct.

Q What is the relation of the Communist Party to this revolution of the proletariat?

W/7k

A The Party is the vanguard, the leader, the organizer, the planner of this proletarian revolution.

Q Could you have a revolution without the leadership of the Communist Party?

A The Communist Party says that they are the only true representatives of the working class, and without them, without their leadership, there cannot be no successful proletarian revolution.

MR. FLYNN: I think that is all.

THE COURT: Who is your next witness?

MR. BUCHMAN: I have a few further questions on recross, Your Honor.

THE COURT: It will have to be very few, because the redirect was very few.

MR. BUCHMAN: We will limit it to what was asked on redirect.

#### RECROSS EXAMINATION

Q (By Mr. Buchman) By "materialist conception of society," does that not mean that the mode of production, the way in which people earn their living, determines their economic relations, and in consequence their institutions, laws, et cetera?

THE COURT: Well, he certainly did not say that, Mr. Buchman.

MR. BUCHMAN: I am asking him whether that does not



W/8k

mean that, Your Honor.

THE COURT: Was that your question?

MR. BUCHMAN: I asked him a question. I would like to have the reporter read it back.

THE COURT: Mr. Stenographer, read the question.

(The last question was read by the reporter.)

MR. FLYNN: I object to it, sir. Instead of asking a question it is making a statement.

MR. BUCHMAN: I asked a question.

THE COURT: Well, it is a leading question. On cross-examination we permit leading questions. I do not know whether this phrase "materialistic" has been used or is used by the Communist Party or by those who advocate it in a special meaning, in a special sense. Of course, the word "materialistic" is a perfectly well known English word, which is contrasted with spiritual, the difference between material and spiritual. You can kick a stone, as some philosopher said, and you know it is material; but you kick an ideal about and it is merely a matter of dialectics.

Now, is there any special sense in which the word "materialistic" is used in that connection? Does the Communist Party use the word "materialistic" in any particular connotation? You have explained, of course, the difference between the idealism of Hegel and the materialism of Marx, but is there any other special significance to the word

W/9k

"materialism" or "materialistic"?

THE WITNESS: No. The question related to an economic relationship in a given society which, in a general way, is also viewed from a materialistic concept, but that does not mean necessarily that that kind of a condition is the materialistic concept in itself.

THE COURT: Very well. What is your next question?

MR. BUCHMAN: That is all.

THE COURT: Very well.

(Witness excused.)

- - -

THE COURT: Who is your next witness?

MR. FLYNN: William Odell Nowell.

THEREUPON,

WILLIAM ODELL NOWELL,

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

DIRECT EXAMINATION

THE CLERK: Your full name?

THE WITNESS: William Odell Nowell.

BY MR. GREEN:

Q Now, Mr. Nowell, this is a very large man, and it is important that His Honor and all the members of the Jury hear what you have to say, so, if you will, try to keep your

W/10k

voice up, please.

Where do you live, Mr. Nowell?

A I live in Detroit, Michigan.

Q When and where were you born?

A I was born in the State of Georgia, County of Walton, 1904.

Q What education do you have?

A Informal academic credit education. I have approximately two years college.

Q Mr. Nowell, have you ever been a member of the Communist Party?

A I have.

Q When did you join the Party?

A In June of 1929.

Q Where?

A In Detroit, Michigan.

Q Did you take an oath at the time you joined?

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

THE COURT: I do not see the materiality of it for the moment.

MR. GREEN: I will withdraw it, sir.

Q (By Mr. Green) What job were you in -- did you become a full-time functionary of the Party after you joined?

MR. BUCHMAN: Objection, Your Honor.

W/11k

THE COURT: Well, I think it is a leading question, but I suppose it is merely introductory to something. I permit it under the circumstances.

Might I suggest, not knowing at all what may be the subject matter on which this witness is testifying, that I would be disposed to limit any long further discussions by witnesses of conditions prior to the time covered by the indictment, and also any long philosophy or controversial ideas, and so on, from the witness. We have had that by two witnesses, and I think it is time now to get more to the factual nature of the case.

MR. GREEN: Very well, sir.

End tk  
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12:40

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Q (BY MR. GREEN) Were you during 1929 and 1930 a full-time functionary of the Communist Party in Detroit?

A I was a full-time functionary during 1930.

Q What was your assigned duty during that period?

A I was a full-time organizer in charge of the District Negro Commission; also in charge of the Workers Bookstore and District Circulation of the Daily Worker.

Q What district was that, Mr. Nowell?

A That was the Michigan District, known as District

7.

Q And its headquarters were in what city?

A Detroit, Michigan.

Q Who was the district organizer at that time?

A Jack Stachel was District Organizer in 1930.

Q Mr. Nowell, will you please look around the Court room and tell His Honor and the members of the jury whether or not you know any of the defendants.

THE COURT: If he does not know where they are, there's about a hundred people in this room.

Q (BY MR. GREEN) There are two defendants, Mr. Nowell, seated at the end of the table here and the remaining four defendants are seated in the row right behind them, running from the gentleman in the grey suit over to the fourth gentleman on the end.

A I know at least one of the defendants personally.

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Q Which one is that, Mr. Nowell?

A I know Mr. Frankfeld.

Q Will you describe which of the defendants he is by what color suit he has on and where he is seated?

A He has a grey suit, sitting directly back of counse. there.

Q Where and when did you first know him, Mr. Nowell?

A I met him in Detroit the latter part of 1929 or the first of 1930.

Q Were you --

THE COURT: Now, let me say, gentlemen, in line somewhat with what I have just said, I am disposed to limit the amount of evidence with regard to Mr. Frankfeld, for instance, unless there is some very particular reason to the contrary, to the years more nearly applicable to this particular case. That is to say, I do not see the necessity of going into a long narrative as to times and places. We have had all that by two other witnesses and I think it unnecessary to go over it with a third witness unless there is something unusual about it.

MR. GREEN: I think there is and I intend to lead up to it quite promptly. However, I felt it was necessary to lay some background of foundation.

THE COURT: Up to the present time it is all right but let's try to keep the testimony to the things that are

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really important in the case.

Q (BY MR. GREEN) Did you work with Mr. Frankfeld during the latter part of 1929 and 1930 at Detroit?

A Yes, I did.

Q Was he then a member of the Communist Party?

MR. BUCHMAN: I object. It calls for a conclusion.

THE COURT: I think not. Go ahead. It is repetitious anyhow.

THE WITNESS: He was then a member of the Communist Party.

Q (BY MR. GREEN) Was he assigned to District 7, the District where you were assigned?

A He was.

Q What were his assigned duties in that district?

A He was District Organizer or Secretary of the Young Communist League.

Q Do you know by whom he was assigned to that duty?

MR. BUCHMAN: Object.

THE COURT: I don't see the relevancy of it. We had two witnesses speak of Mr. Frankfeld as connected with the Communist Party back in that period and I do not see the necessity of going along with the third witness about the same thing.

Q (BY MR. GREEN) Did you attend Bureau Meetings with Frankfeld?

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A I did.

Q Did you and Frankfeld attend classes sponsored by District 7?

MR. BUCHMAN: Objected to.

THE COURT: Again, I say you must limit the evidence<sup>to</sup>/things that are really material and now that we have had a great deal of preliminary and introductory matter in the case, I think the evidence should be more or less confined to the period within the indictment.

MR. GREEN: May I ask the witness a general question, during that period of time, whether he had any personal contact with Mr. Frankfeld?

THE COURT: You can ask a general question, how long a time have you known Frankfeld and generally what he knows, how long and any activities Mr. Frankfeld has had in the Party and you could ask further questions about his knowledge of Mr. Frankfeld in recent years.

MR. GREEN: Might I develop or ask a general limited question, whether or not Mr. Nowell had personal contact with Mr. Frankfeld in 1929 and 1930.

THE COURT: Yes. Go ahead.

Q (BY MR. GREEN) At any time when you were present with Mr. Frankfeld during 1929 and 1930, Mr. Nowell, did you hear him say at any time or did you hear him make any statement as to the manner in which the proletarian revolution



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would or would not be accomplished?

MR. BUCHMAN: I object.

THE COURT: I sustain the objection. It goes back so far.

MR. GREEN: I think, if Your Honor please, although it has been back in 1929 and 1930, there is almost a specific intent here and I think it is germane and proper at this time to go into the matter of 1930, even though undoubtedly it is some years before the period described in the indictment.

THE COURT: Does this witness know anything about Mr. Frankfeld and his activities with the Communist Party within the period of the indictment?

MR. GREEN: No, sir. He does not of his own personal knowledge.

THE COURT: I think then that he may possibly be a witness later on, if there is evidence that possibly may be developed; in other words, he may be a witness on rebuttal but I do not think he is a witness now as to what Mr. Frankfeld may have said back in 1929 and 1930.

MR. GREEN: If Your Honor please, I think the time element goes, if anywhere, to the form or value rather than to the question of admissibility.

THE COURT: I think now, Mr. Green. I am sorry.

Q (BY MR. GREEN) Mr. Nowell, did you specifically -- I withdraw that -- did you subsequently go to Russia?

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MR. BUCHMAN: Objected to.

THE COURT: Overruled. So far, it may have some bearing on the case. I don't know what it is.

THE WITNESS: I did.

Q (BY MR. GREEN) When did you go?

A On the first occasion I went in 1929.

MR. BUCHMAN: I object to the whole line of questioning.

THE COURT: I will let it go along until I see whether it is material or admissible or not because it is repetitious or what not.

THE WITNESS: On the first occasion I went in 1929 and was there a short while. The second occasion was in 1931.

Q In what month of 1931 did you go?

A The latter part of August 1931.

Q Why did you go?

MR. BUCHMAN: Objected to.

THE COURT: Except as purely introductory, I would sustain it at the time, but it may be that something material may come out of it. Why did he go?

Q (BY MR. GREEN) Why did you go, Mr. Nowell?

A I was sent there to attend the International Lenin School, a Communist School in Moscow, Russia.

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

THE COURT: Overruled.

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Q (BY MR. GREEN) Did Mr. Frankfeld accompany you?

MR. BRAVERMAN: I object.

THE COURT: Overruled.

A He did.

Q (BY MR. GREEN) When did you in connection with that trip -- do you recall where you first met him?

A In New York.

Q When?

A That was around the 26th of August 1931.

Q Who told you you were going to be sent to Russia?

MR. BUCHMAN: Objected to.

THE COURT: I don't see the importance of that unless it was one of the defendants in the case.

Q (BY MR. GREEN) Did you and Mr. Frankfeld leave this country on the same ship?

A We did.

Q Prior to leaving this country, where did you meet him?

A In New York City.

Q Where was that precisely in New York City?

A At the Headquarters of the National Headquarters of the Communist Party. I believe this was on 12th near Union Square or 13th Street.

Q Before you and Mr. Frankfeld departed, did you or

he or both of you receive any kind of instruction or refresher course?

MR. BUCHMAN: Objected to.

THE COURT: Sustained.

Q (BY MR. GREEN) Were you told why you and the group were going to the Lenin School?

MR. BUCHMAN: Objected to.

THE COURT: Sustained.

Q (BY MR. GREEN) How many were in the group that went to the school, Mr. Nowell?

A Approximately thirty in the group that I went with.

Q Where did you go upon leaving the United States?

MR. BUCHMAN: Objected to.

THE COURT: Overruled.

A We proceeded to London and from London to Leningrad, Russia.

Q How did you go from London to Leningrad?

THE COURT: Why is that important?

MR. GREEN: I think he ought to be permitted to answer. I think the answer will show it up.

THE COURT: All right, if you assure me of that, go ahead.

MR. BUCHMAN: Objected to.

THE COURT: Overruled in view of what is said.

THE WITNESS: We sailed on a Russian Steamer from

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London to Leningrad, Russia.

Q Did you travel under your own name, Mr. Nowell?

A I personally did travel under my own name.

Q Your passport, was that in your own name?

A Yes.

Q Did you at any time -- who was the leader of the group in which you and Mr. Frankfeld were?

MR. BUCHMAN: Objected to.

THE COURT: Overruled.

THE WITNESS: Irving Potash was the leader of that group.

Q (BY MR. GREEN) Did he at any time give the group any instructions as to what names they were to use?

MR. BUCHMAN: Objected to.

THE COURT: Sustained.

Q (BY MR. GREEN) Did Mr. Frankfeld travel under his own name?

MR. BUCHMAN: Objected to.

THE COURT: Overruled.

A That, I don't know. We were instructed to use aliases on the boat.

MR. BUCHMAN: I move to strike that out as not responsive.

MR. GREEN: I suggest the witness be permitted to answer, without being interrupted by counsel.

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MR. BUCHMAN: The answer is not responsive and I move to strike it out.

THE COURT: I think it probably was not responsive to Mr. Green. But if Mr. Green asks it, I think I would be disposed to allow it.

MR. GREEN: Go ahead, Mr. Nowell.

A We were instructed by Mr. Potast to use aliases enroute; that is, not to use our own names for reason of security, but personally I don't know whether or what Mr. Frankfeld's name was.

Q Did you ever hear him use any name other than his own?

MR. BUCHMAN: Objected to.

THE WITNESS: Yes, sir.

THE COURT: Who are you talking about now?

MR. GREEN: I asked Mr. Nowell if he ever heard Mr. Frankfeld use any name other than his own.

THE COURT: I will let him answer that.

THE WITNESS: Yes, I have known him to use another name.

Q (BY MR. GREEN) What name was that?

A Harold Teen.

Q When did you arrive in Russia or when did your group, including Mr. Frankfeld, arrive in Russia?

A We arrived in Russia around September 15th, I be-

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lieve, between the 7th and 15th -- I have forgotten the exact date.

Q Did you go -- I think you already said you went to Leningrad?

A Yes, that's correct.

Q And from Leningrad, where, if anyplace, did you go?

A From Leningrad we went to Moscow.

Q What did you do when you arrived in Moscow?

MR. BUCHMAN: Objected to.

THE COURT: Only in a very general way, how long was he there and how long, if you want to ask him, was Mr. Frankfeld there, and in a general way what happened but not in detail or particularity or anything of that kind.

Q (BY MR. GREEN) Where did you go after you left Leningrad?

A We went directly to the Lenin School and then to the meeting in the Communist International.

Q Was Mr. Frankfeld present at this meeting at the Communist International?

A He was.

Q What, if anything, transpired at that meeting?

MR. BUCHMAN: Objected to.

THE COURT: Sustained. I think that is unnecessary. I won't say unnecessary but I think from the standpoint of evidence it is unnecessary to go into much detail back in those

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years. We are interested in this case ultimately in the period that is comparatively limited. Now, of course, there may be cases involving charges of conspiracy where the Government has to go back a great many years but there has already been enough evidence in this case to meet the general situation, so that I do not see that it is necessary to go into details as to what they learned or were taught in Moscow except in a general way.

Q (BY MR. GREEN) Well, now, before you and Mr. Frankfeld attended courses at the Lenin Institute, Mr. Nowell, did you do anything?

MR. BUCHMAN: Object to that question.

THE COURT: Overruled.

THE WITNESS: Yes, we went on a tour of Russia.

MR. GREEN: Just generally, where did you tour, what did you see and how long did it take?

MR. BUCHMAN: Objected to.

THE COURT: That might be helpful in a way to the defendants. I won't sustain the objection to that. Go ahead.

THE WITNESS: We studied the workings of the Soviet system in the industrial sections, how the Communist Party controlled Russia through the Soviet system of Government. In other words, we studied the dictatorship of the proletariat and socialism at work in a practical sense.

Q (BY MR. GREEN) How long did this tour last?



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A Approximately a month.

Q Did you then return to the Lenin School?

A We did.

Q How long did the course of study at the Lenin School take, how many months did the course of study last?

A From September 1931 to December 1932.

Q And was Mr. Frankfeld a student at the Lenin School during the period of approximately fourteen or fifteen months?

MR. BUCHMAN: Object to that line of question.

THE WITNESS: He was.

THE COURT: I think it is nearly time for recess.

Members of the jury, you may take your usual noon recess until 2 o'clock. Again, I remind you, do not talk about the case outside of Court. We will recess until 2 o'clock.

(Thereupon, at 1 p. m., a recess was taken until 2 p. m.)

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## AFTERNOON SESSION

(Met, pursuant to the taking of the recess, at  
2:00 o'clock, p.m.)

THE COURT: Call the witness.

THERUPON,

WILLIAM ODELL NOWELL,

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

DIRECT EXAMINATION (Cont'd.)

BY MR. GREEN:

Q Mr. Nowell, I think just before we stopped for lunch  
you testified that the course at the Lenin Institute covered  
a period of some 14 or 15 months; is that correct?

A No, it is not quite that long. It was a year's  
course. Actually it took about a year and three months.

Q Mr. Frankfeld attended the various sessions of  
that course throughout that period of time?

A He did.

Q Now, did you speak Russian?

A No, not well enough to study in the language.

Q Do you know whether Mr. Frankfeld spoke Russian?

A I don't believe he did.

MR. BUCHMAN: Object to that question.

THE COURT: Go ahead.

MR. GREEN: It is purely preliminary, sir.

W/2k

Q (By Mr. Green) Will you tell His Honor and the members of the Jury just how the classes were conducted?

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

THE COURT: I think it is unnecessary to go into that detail back that far.

MR. GREEN: All right, sir.

Q (By Mr. Green) Now, what courses were given at the school when you were there?

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

THE COURT: Unless you have something particular in mind which does not occur to me, Mr. Green, I think that is an unnecessary question.

MR. GREEN: I just wanted him, if Your Honor please, to outline the courses so that the Jury and Your Honor can get some idea of just what went on in the school.

THE COURT: Well, of course, it is a good many years ago, and I think if you go into a question of what courses were taught, and so on, it is likely to unduly prolong the trial.

Q (By Mr. Green) Are you acquainted, Mr. Nowell, with -- or is there, to your knowledge, a doctrine known as self-determination?

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

THE COURT: I am not sure that I understand your question.

W/3k

Mr. Stenographer, will you read it?

(The last question was read by the reporter.)

THE COURT: At this time I sustain the objection to the question.

Q (By Mr. Green) Mr. Nowell, will you describe generally and briefly what you were taught at the Lenin Institute?

MR. BUCHMAN: Object to that question.

THE COURT: I sustain the objection. It is too general.

Q (By Mr. Green) While you were at the Lenin Institute, Mr. Nowell, were you instructed, or was there a course by the name of Science of Civil Warfare given?

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

THE COURT: Overruled.

A Yes, such a course was given.

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

THE COURT: Overruled.

Q (By Mr. Green) Now, will you tell His Honor and the members of the Jury briefly what you were taught in that course? First, before I ask you that, was Mr. Frankfeld in that course with you?

A He was.

W/4k

Q Now, will you tell His Honor and the members of the Jury what you were taught in that course?

A As a continuation of our theoretical studies under the -- it is not a slogan; it is axiomatic in Communist theory and practice -- as the inseparability of theory and practice, we studied practical revolutionary methods, that is, the science of civil warfare. In this course we studied the necessity for the particular methods to go about the capture of a city, for instance, as an example of the actual revolutionary capture of government, the construction of barricades, the strategic location of barricades, the isolation of portions of a city and converting that into a fortress which could be held by the revolutionary forces, the severance of communication and transportation or making such available to the insurgent revolutionary forces.

Also in this connection we studied how to dismantle and reassemble and repair the major arms of leading so-called capitalistic nations, Germany, France, the United States, England and Japan. We also studied code as a means of transmitting messages. We drilled, target practice, gas mask practice; we studied sniping, and how to combine guerilla warfare with legal, regimental warfare, and to alienate large segments of the armed forces over to the revolutionary forces in the struggle for the capture of power and the overthrow of the government by force and violence.

W/5k

Also, we had grenade practice, and we learned how in this course to carry on international propaganda, that is, propaganda within the armed forces, to effect dissension within the ranks of the armed forces, and to bring them over to the side of the revelutionary forces.

I believe this pretty generally constitutes the major things that were taught in that course of Science and Civil Warfare.

MR. BUCHMAN: If the Court please, I move the answer be stricken as remote, prejudicial, hearsay.

THE COURT: Overruled.

Q (By Mr. Green) Were you told, Mr. Nowell, the purpose behind such instruction in the school?

A I was told.

Q What was that purpose?

MR. BUCHMAN: I object to that, Your Honor. Pardon me. I object to it, Your Honor.

THE COURT: Overruled.

Q (By Mr. Green) What was the purpose, Mr. Nowell?

A We were told that we were being trained as a climax to our theoretical studies, the science of civil warfare, so that we could return to the United States, and in the course of pending the revelutionary movement, the Communist Party, as a climax to it, at the opportune time when the political situation was mature, to be able to use these means of over-

W/6k

throwing our own government and taking power.

Q Now, while you were at the Lenin Institute, Mr. Nowell, were you instructed in Marxism-Leninism?

A I was.

THE COURT: Now, if you intend to go into the details of that such as we have had before, I think I will have to interpose an objection for the purpose of saving time. I think it is undesirable to have a third witness undertake to tell us about Marxism-Leninism. We have had a great deal of that in the last four or five days.

Q (By Mr. Green) Now, what, Mr. Nowell, was the relationship--

MR. GREEN: Well, if Your Honor please, might I ask him to answer the question just whether or not he did receive a course of instruction in Marxism-Leninism at the Lenin School?

THE COURT: Well, that would mean probably the urging on cross-examination of a great deal of opposing matter or different views about it, and so on, so for the moment I sustain the objection unless there is some special reason which does not appear to me.

Q (By Mr. Green) Well, Mr. Nowell, were you told the relationship in so far as it -- were you told the relationship between the course you received in the Science of Civil Warfare and the Doctrine of Marxism-Leninism?

W/7k

MR. BUCHMAN: I object to that question.

THE COURT: Well, I will let him answer that "yes" or "no."

A Yes, I was told the relationship.

Q (By Mr. Green) What were you told that relationship was?

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

THE COURT: Well, very briefly answer that.

A That Marxism-Leninism was the science of the proletarian revolution and of the dictatorship of the proletariat, and with its instruction in civil warfare was the logical claims and conclusion both of the revolutionary struggle, that is, in organizing and leading people in mass protest and demonstrations, and in the actual capture of power.

Q (By Mr. Green) Now, Mr. Nowell, while you were at the Lenin School, were you instructed in the doctrine of self-determination?

A I was.

Q Will you state--

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

THE COURT: Well, so far nobody knows what the question is. I don't know.

Go ahead, Mr. Nowell.

Well, Mr. Green, what is the next question?

End tk  
Levin fls  
2:10



HL/8k

Q (By Mr. Green) Well, will you state what that doctrine is, Mr. Howell?

MR. BUCHMAN: I object to that question.

THE COURT: Now, what relation does that have to this case? I, of course, know myself what is meant in some schools of philosophy how "self-determination" is applied, but I don't see how it is relevant here for the moment.

MR. GREEN: Well, sir, I can point out its relevancy, but I can't point out its relevancy unless I get the witness to answer or am able to sum up what the witness would answer.

THE COURT: Well, it doesn't have any particular meaning with reference to Communism?

MR. GREEN: In my understanding, it does, yes, sir.

THE COURT: Well, let him answer, then, what it is. He said he was a Communist?

MR. GREEN: Yes, sir.

MR. BUCHMAN: I renew my objection.

THE COURT: If there is a particular understanding among Communists as to what the term "self-determination" means, and he is familiar with it, I will let him answer it.

Q (By Mr. Green) Are you familiar with that term of "self-determination" as it is used in the Communist Party, Mr. Howell?

MR. BUCHMAN: I renew my objection, Your Honor.

HL/9k

THE COURT: I understand you have objected to it.  
The objection is overruled.

A I am familiar with it.

Q (By Mr. Green) Well, will you please explain to His Honor and the members of the Jury what the doctrine is as you understand it?

A The theory of self-determination as I studied and later taught, was the theory applied to the Negro people, particularly, in the so-called black belt of the South in the United States of America. This theory considers, and considered, the Negroes as constituting a nation in the United States, a nation within a nation. Therefore, it proposed as a means of facilitating the revolution in the United States to use this nation within the heart of the United States to divide the nation. Therefore, they proposed the slogan, and established the movement for self-determination, and the right of secession from the territory of the United States. And we were further taught that this means would weaken the Government and capitalism of the United States and permit the population in the northern states to more successfully carry out a proletarian revolution. And we were also admonished, or reminded, that by promoting such a movement under the slogan of the right of the colored in the black belt, to set up such a feeling, such a movement, that it was possible that this in itself might set up the proletarian revolution in the United

HL/10k

States. If done, as I said before, it would weaken the social and political structure with the revolutionary act beginning among the industrial proletariat in the northern states.

That is, briefly, the meaning of the slogan of "self-determination."

Q You said in your description, Mr. Nowell, that that doctrine was applicable to the black belt. Now, by the term "black belt" is meant a certain geographical portion of this country?

A Yes. The designation "black belt" often called the "cotton belt" often refers to an artificially delineated territory, delineated so by Communist strategists, extending from Virginia to the Mississippi delta, comprising most of North and South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, and Kentucky.

It was assumed that the Negroes constituted a majority of the population in that area and, therefore, constituted a nation. Therefore, the slogan for the right of self-determination was to the point of secession.

THE COURT: If I may make the comment here, this, of course, is evidence of what he was taught or learned in Moscow in 1931 -- I think he said 1931, 1932 -- and it is relevant in this case only in connection with evidence tending to show that this present doctrine was within the period

HL/llk

in question here.

Q (By Mr. Green) Now, was the doctrine of self-determination, as you have just outlined it, Mr. Nowell, first brought to your attention at the Lenin Institute?

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

THE COURT: Overruled.

A No, it was first brought to my attention in the United States.

Q (By Mr. Green) Was the doctrine, as you have described it, applicable -- when did you leave the Party, Mr. Nowell?

A At the end of 1936.

Q Was the doctrine as you have described, applicable up until 1936?

A It was.

Q Now, since 1936, have you remained, or have you acquainted yourself with the various publications from time to time of the Communist Party?

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

THE COURT: I will sustain the objection unless something specific is shown about the witness' knowledge of it. If I may, I would like to state briefly the reasons for sustaining the objection.

I have stated the reasons for a great many rulings

HL/12k

I have made with regard to the other side of the table, and I think I ought to perhaps do it for the Government side, too.

It would seem to me that merely asking a man, who has severed his connection with the Communist Party in 1936, whether he has kept up with his readings on the subject, wouldn't qualify him, when he is called as a witness and asked whether he has read Communist literature and what is his view with regard to the effect of it. I mean to say that that would get him into more or less a literary discussion of matter, which I think wouldn't be worth while in this case and would undoubtedly prolong the case unduly.

Now, there is already other evidence in the case upon the subject, one way or the other, and I think you would have to be more specific, and to qualify this witness as a real expert since he left the Party in 1936. Unless there is evidence tending to show what he did in that respect after he left the Party, it would not be really worth while in this case. I don't know, but he may have had an unusual relation to it thereafter.

Q (By Mr. Green) Now, Mr. Howell, what is your current employment?

A I am currently employed as an analyst of subversive activities.

THE COURT: Analyst of what?

THE WITNESS: Analyst of subversive activities.

HL/13k

THE COURT: By whom?

THE WITNESS: By the Immigration and Naturalization Service.

Q (By Mr. Green) And for how long, Mr. Nowell, have you been so employed?

A Since 1948.

Q And what, generally speaking, are your duties as an analyst of subversive activities?

A My duties as an analyst of subversive activities are to analyze political philosophy, operations, organizational structure, generally subversive movements.

3 Q Now, in connection with your duties, have you examined since 1948, and prior to 1948, and done work pertaining -- and this is during the period of 1945 to 1948 -- to the policy or the doctrine of the Communist Party with regard specifically in this instance to the doctrine of self-determination?

MR. BRAVERMAN: Objection, sir.

THE COURT: Overruled.

You can answer "yes" or "no," in the first place.

A Yes, I have kept myself informed.

Q (By Mr. Green) What means have you used, how have you kept yourself informed, Mr. Nowell?

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

THE COURT: Well, is this about literature generally?

HL/14k

MR. GREEN: Well, I might point out, sir, the only reason I phrased the question in that way, because from prior experience when I tried to ask a specific question, or didn't want to ask a specific question because I felt when I would be asking a specific question it would be leading the witness. I will be very glad, if Your Honor please, to ask him more specific questions than the one I have just asked him.

THE COURT: Well, as an elementary rule, in the examination of witnesses according to the laws of evidence, the witness may be asked if he knows what the present doctrine of the Communist Party with regard to self-determination is. After he is asked that question, he either answers "yes" or "no."

You can ask him that question.

MR. GREEN: All right, sir.

Q (By Mr. Green) Mr. Nowell, you have heard His Honor's question. Do you know what the policy of the Communist Party on the doctrine of self-determination is?

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

THE COURT: Overruled.

Answer it "yes" or "no."

A I do know what the policy of self-determination is.

Q (By Mr. Green) Will you state what that policy is?

A The policy remains as it was in 1933. From 1930 to 1936 the demand for the right of self-determination and to

HL/15k

promote actively the movement to secure self-determination in the black belt.

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

THE COURT: Overruled.

Q (By Mr. Green) Will you state, if you know, Mr. Newell, the relationship at the present time between the Communist doctrine of self-determination and the Marxist-Leninist doctrine?

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

MR. GREEN: Did you say you object, Mr. Buchman?

MR. BUCHMAN: Yes, I object to that.

MR. GREEN: I didn't know whether you did object to that.

THE COURT: Will you read back the last question?

(Thereupon, the last question was read by the reporter.)

THE COURT: Sustain the objection to that question.

I think it would be permissible subject to possibly the other side asking him whether there is any difference or not.

MR. GREEN: Well, I will adopt His Honor's question.

MR. BUCHMAN: I object to it on the ground that this man is not qualified to answer it.

THE COURT: Overruled.



HL/16k

A No, there is no difference, no distinguishable difference, between the documentary reports that I have studied of the slogan and theory of self-determination now and that of 1930 to 1936 when I was a member of the Communist Party. The same program has been in effect and, in fact, that has been emphasized in the past few years.

End tk  
Cvy fls  
HL 2:20

Cav 18  
Levine 220

Q As of the present time, can you tell His Honor and the members of the jury what part the doctrine of self-determination plays in the Marxist-Leninist concept of the dictatorship of the proletariat and the revolution of the proletariat?

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

THE COURT: The question is too general.

Q (By Mr. Green): Mr. Nowell, will you state whether or not the purpose at the present time of the Communist doctrine of self-determination is to aid in the violent revolution of the proletariat?

MR. BUCHMAN: I object.

THE COURT: Overruled.

A Yes, it is used for that purpose. The immediate grievances and problems of solution, which would fall within the framework of democratic procedure are skillfully linked to the demand for the proletarian revolution and the overthrow of the United States Government. In other words, principally the Communist Party has exploited many grievances of colored people and used these grievances with large numbers of peoples or attempted to do so to promote their own special interest to overthrow the very democracy from which they seek to be attached.

Q Now, Mr. Nowell, you have testified, to go back

Cavey 2

to this question, that this doctrine was raised at the Lenin School, is that correct?

A It was raised there.

Q Did you at that time state whether or not you were in accord with the Communist belief in the question of self-determination?

MR. BUCHMAN: I object.

THE COURT: Sustained.

Q (By Mr. Green): Did you, Mr. Nowell, complete the course at the Lenin Institute?

A I did.

Q Did you receive a diploma or certificate so indicating?

MR. BUCHMAN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Green): When, Mr. Nowell, did you return to the United States from the Lenin School?

A In December, 1932.

Q Did you return with Mr. Frankfeld?

A I did not.

THE COURT: Did he return before you or after?

THE WITNESS: He left the school before I did.

THE COURT: About when?

THE WITNESS: I believe it was in November.

Q (By Mr. Green): Do you know why, Mr. Nowell?

MR. BUCHMAN: I object.

C 3

THE COURT: I sustain the objection.

Q (By Mr. Green): When you came back to the United States from the Lenin Institute, to whom did you report?

MR. BUCHMAN: I object.

THE COURT: I sustain the objection to the question. It is too particular, trying to give you my reasons very briefly.

Q (By Mr. Green): Did you report to anyone upon your return?

A I did.

MR. BUCHMAN: I object and move that the answer be stricken out.

THE COURT: It is unimportant. I overrule it. I think it is permissible to show what his subsequent activities have been, but I don't think we want to go into much detail.

Q (By Mr. Green): Now, Mr. Nowell, will you state to His Honor and the members of the jury what you generally did after your return to the United States from the Lenin Institute until 1936?

THE COURT: Now, that is only for the purpose of showing what continued acquaintance he had with the subject matter. We don't want the specific instances, whether he did this or that on Wednesday, Thursday or

C 4

Friday, but just a very general question to show his continuing relations or his termination of relations.

Q (By Mr. Green): Following His Honor's statement, will you answer the question, Mr. Nowell, please?

MR. BUCHMAN: I renew my objection to the question as too broad and general.

THE COURT: Very well. Overruled.

A After reporting to the National Secretary in New York, I became the Director of Education in the general Communist movement, specifically in Detroit; that is, the Michigan District, and I resumed my place as a member of the American Communist Party in my district and carried out the instructions of the Central Committee as they applied to our work there.

Q What jobs did you hold from that time until 1936, Mr. Nowell?

A I was a member of the District Bureau, the District Secretariat, Director of Education for the District and Director of the Detroit Workers School.

Q Did you during that period of time teach the doctrine of self-determination as you had learned it at the Lenin Institute?

A I did.

Ow. fls Cvy  
2:30

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Q (BY MR. GREEN) Now, Mr. Nowell, will you state quite briefly what as a result of your experience, education, and so forth in the Communist Party, what is meant by the Marxist-Leninist doctrines?

MR. BUCHMAN: I object to that question, sir.

THE COURT: I sustain the objection. I think that is repetitive. We have heard a great deal of that.

MR. GREEN: Yes.

THE COURT: Unless you wish to show something else different from what we have heard.

Q (BY MR. GREEN) Did you at any time, Mr. Nowell, during your acquaintance with Mr. Frankfeld, did you at any time hear him state what his understanding of the Marxist-Leninist doctrine was?

MR. BUCHMAN: I object to that question.

THE COURT: Sustained.

MR. GREEN: I don't think that is repetitive, if Your Honor please.

THE COURT: When it is going back to 1936 at least, unless the witness has some other period in mind.

MR. GREEN: No, sir. I think he has that period in mind, but what I would just like to do at this time, to make a statement, as I won't pursue it any further, if Your Honor please, but certainly we feel that it is relevant even though prior to the time charged in the indictment to ascertain

what if any were the views of any particular defendant with respect to this precise question.

THE COURT: Well, it may very well be that in rebuttal, if we get to that part of the case, it may be admissible depending upon what evidence there is for the defendants, but going back before 1936, or prior conversations or statements, and so on are not evidence of themselves.

MR. GREEN: All right, sir.

Q (BY MR. GREEN) When actually, Mr. Nowell, did you leave the Party?

A I left it at the end of 1936 when I refused to accept a Party book for 1937.

Q You haven't been active as a Communist since that time?

A No, that was my last official contact with them, with the Communist Party as an organized movement.

MR. GREEN: All right, Mr. Nowell. Thank you very much.

Your witness.

MR. BUCHMAN: If Your Honor please, I now move to strike out the witness' testimony on the ground that, one, it is remote, prejudicial, and purely hearsay. I do not see that it is relevant or material to the charges made in this case.

The charge in this case is conspiracy to teach and

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advocate, and it seems to me that the entire testimony of the witness does not relate to the specific charge in the indictment.

THE COURT: At the end of the Government's case, if you have motions to make about any testimony that you think should be excluded, I will be glad to listen to it then.

At the present time the motion is overruled.

MR. BRAVERMAN: If Your Honor please, can I ask for a recess until tomorrow morning?

THE COURT: No, I can't give you that --

MR. BRAVERMAN: For the following reasons --

THE COURT: No, I can't.

MR. BRAVERMAN: May I state my grounds?

THE COURT: I am sorry, but that is not --

MR. BRAVERMAN: I would like to take a minute to make the point, if Your Honor -- if I may proceed, that we have a witness here who came up a little after 12 o'clock today, and the witness has been testifying about events which happened between 1929 and 1936, and he is testifying as to things which happened five or six thousand miles away and then back to the United States.

I think when we asked for particulars in this case that is one of the things that we were concerned with, and Your Honor at that time assured us that we would not be caught by surprise, and now to attempt to cross-examine the witness --



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THE COURT: I think you are --

MR. BRAVERMAN: In such a short period of time.

THE COURT: I think you are making a statement which is quite not in accordance with any ruling I made in this case.

MR. BRAVERMAN: It is my understanding sir that we would not be caught by surprise.

THE COURT: You asked for the privilege of examining documents.

MR. BRAVERMAN: This witness has been testifying about such a long range of activities over such a wide geographical area that we should have more time to prepare sir.

THE COURT: Now, I think you must proceed if you desire to cross-examine the witness at the present time. If hereafter it becomes necessary for you or important for you to introduce further evidence bearing upon what the witness said and it becomes necessary in connection with that to recall the witness, I will be glad to listen to such application when it is made.

Up to the present time I have endeavored to keep the range of this witness' testimony within the area of factual matters rather than discussions of philosophies and principles. I think that is the kind of situation that the trial lawyer is expected always to deal with. I have never

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made a ruling such as you indicate that you would not be taken by surprise. So far as the Court is concerned, the Court knows nothing of what the evidence may be that will be produced by either side other than is shown in the preliminary requests on your part for inspection of documents.

As to that I have said, and I still say, that if any document is produced here which takes you by surprise in this case, and you are not properly prepared to meet it, I would undertake to give you time to meet it.

I have never made any ruling or do not undertake to make any ruling which would indicate, as you say, that you would not be surprised by a witness whom the Government would call. The Court knows nothing about that matter and never made any ruling of that kind.

You probably are confused, Mr. Braverman, over the definite ruling which I made with regard to the documents, which is a matter of stenographic record in this case.

Now, do you wish to cross-examine this witness?

MR. BRAVERMAN: May we have a short period to consult among ourselves?

THE COURT: I can't do that with a long trial like this. Counsel are expected to meet the questions as they arise.

MR. BUCHMAN: If Your Honor please, I think that as far as the case is concerned, it probably would shorten

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it if we could have a recess until tomorrow morning because otherwise we are caught by surprise.

THE COURT: What surprise is there?

MR. BUCHMAN: We don't have the material that we want to go over before examining what this witness testified to as it is a rather extraordinary thing. We can't keep the books ready, and he has testified as to many things going over a great many activities, going back to 1929 and 1930, and it is almost impossible to prepare proper cross-examination in that way.

Wkr fls lk

2:40

THE COURT: Well, what preparation do you want to make for it? The witness' evidence has been given in the compass of about an hour, and it is related to specific, particular matters rather factual in their nature. Now, I do not see what the need for further preparation is. I am sorry, but the case must go on for the present.

MR. BUCHMAN: May we have five minutes, sir, to consult on the method of cross-examination?

THE COURT: Yes, I will grant you five minutes.

MR. BUCHMAN: Thank you.

THE COURT: Retire to the next room if you want to.

(Whereupon, a short recess was taken.)

THE COURT: Are you ready to proceed?

MR. BUCHMAN: We will make an attempt, Your Honor.

W/2k

## CROSS-EXAMINATION

BY MR. BUCHMAN:

Q Now, Mr. Nowell, you are now working for the Department of Immigration and Naturalization; is that correct?

A That is correct, sir.

Q What is your present salary, sir?

A \$4,500.

Q How long have you worked for the Department?

A Since 1948.

Q And your exact title is what?

A Analyst of Subversive Activities.

Q Have you ever analyzed the subversive activities of the Klan, the Ku Klux Klan in the United States?

MR. GREEN: Object, if Your Honor please.

THE COURT: Has he ever analyzed the Ku Klux Klan?

Of course, we have heard a great deal about the Ku Klux Klan in the press, I suppose. What relevancy do you think that has to the case? I will let him answer it. Have you ever analyzed it, "yes," or "no"?

A I have relative to Communism and the mutual assistance they give each other, specifically in relation to the Nazi-Communist pact, and I point to that as a specific relationship between all extremist movements, the activities of the Klan.

MR. GREEN: Keep your voice up, Mr. Nowell. You

W/3k

have a habit of dropping it sometimes.

MR. BUCHMAN: I would like to get Defendants' Exhibit No. 2 for identification, Mr. James.

Q (By Mr. Buchman) You were a member of the Communist Party in 1936; isn't that correct?

A That is correct.

Q Are you familiar with the Communist election platform of 1936?

MR. GREEN: I object to that.

THE COURT: Sustained.

Q (By Mr. Buchman) I read to you from the Communist Election Platform of 1936.

MR. GREEN: I object to that, if Your Honor please.

MR. BUCHMAN: I would like to offer this in evidence at this point, if Your Honor please.

MR. GREEN: I object to that.

THE COURT: This is not the time to do that, Mr. Buchman, on cross-examination.

MR. BUCHMAN: If the Court please, I offer it for the purpose of contradicting the statements made by the witness on direct.

THE COURT: Well, if it is for that purpose, of course, I will hear more about it.

MR. BUCHMAN: That is the only purpose.

THE COURT: Just what is it you want to do?

W/4k

Q (By Mr. Bushman) I ask you, Mr. Witness, if the following section is not contained in the Communist Election Platform, 1936, Part 7, entitled "Full Rights to the Negro People":

"We demand that the Negro people be guaranteed complete equality, equal rights to jobs, equal pay for equal work, the full right to organize, vote, serve on juries, and hold public office. Segregation and discrimination against Negroes must be declared a crime. Heavy penalties must be established against mob rule, floggers, and kidnapers, with the death penalty for lynchers. We demand the enforcement of the Thirteenth, Fourteenth and Fifteenth Amendments to the Constitution."

Do you recall that that was in the election platform of 1936?

MR. GREEN: If Your Honor please, I object to that by virtue of the fact that it does not carry out, as Mr. Bushman said it did, it does not in any wise contradict what the witness testified to on direct examination.

THE COURT: I asked Mr. Bushman what was the purpose of the question, and we all heard his answer, and now he has read something which you contend does not contradict what he says about self-determination.

MR. GREEN: That is correct, sir.

THE COURT: I so rule.

W/5k

MR. BUCHMAN: I will ask the witness if he can find anything in that document that supports the statement that he has made on the witness stand.

MR. GREEN: I object to that, if Your Honor please.

THE COURT: I sustain that objection. It is not cross-examination, and the witness has not undertaken to tell us that.

Q (By Mr. Buchman) Were you at the Convention of the Communist Party in 1936?

A No, I was not.

Q Did you read the report made at that Convention?

A I believe I did.

Q I think the report was made by Earl Browder. Did you read that at the time it came out?

A I am not sure that I read it just when it came out. Now, I want to be specific about dates. I was not in attendance at that Convention. What was the date of that Convention?

Q It was June 25, 1936.

A I read the documents of all the Conventions during the period of my membership in the Party.

Q Let me ask you if you recall reading this in a report made by Earl Browder to that Convention.

MR. GREEN: I object, if Your Honor please.

W/bk 2

THE COURT: I sustain the objection. It is not cross-examination.

MR. BUCHMAN: Your Honor, may I say that this witness has also qualified as an expert, and it seems to me that anything in that document dealing with the subject matter would be relevant to determine his qualifications, and I believe that that is the policy that usually prevails and that I think is being pursued in cases now under consideration elsewhere, and it is handicapping me not to be able to confront the witness with refutation in print of the very things he purports to say.

THE COURT: Now, you may ask such questions as you think proper. I will rule upon them the best I can. You are certainly at liberty to ask him anything about this matter of self-determination to which he has referred, why he puts it forward, and tells us about it as he did, and what is his source of information upon the subject. You can attack him as to his credibility in making the statement, his good faith in making the statements. Those things are all open to you on cross-examination.

MR. BUCHMAN: Thank you.

Q (By Mr. Buchman) You say you are familiar with the current policies of the Communist Party with respect to the right of self-determination?

A Yes, reasonably.



W/7k

Q And you say these policies now are the same as you describe in 1934 or, rather, what you learned in Moscow? Isn't that what you stated with respect to the right of self-determination?

A No, that is not quite correct.

Q Well, what is your statement with respect to the right of self-determination?

A My statement is that I studied the question of self-determination, first, in the United States, later in Moscow, and I later taught it in the workers' school in Detroit, Michigan.

Q Let me ask you this question: Are you familiar with the resolutions of the Communist Party in 19-- Withdraw that question.

Have you seen this pamphlet, "The Communist Position on the Negro Question"?

A Yes, I have seen that.

Q Have you read it?

A Yes, I have read it.

Q Do you recall what it states the position of the Communist Party is on the right of self-determination?

A Yes, I do.

Q This is, to your knowledge, circulated in the Communist Party?

MR. GREEN: I object to that, if Your Honor please.

w/8k

THE COURT: Overruled.

Q (By Mr. Buchman) Will you answer that question?

THE WITNESS: Will you repeat the question?

Q (By Mr. Buchman) This pamphlet of the Communist Position on the Negro Question has been extensively circulated? Do you know?

A I don't know that because the pamphlet was published since I left the Party.

Q But you have seen it?

A I have seen it.

Q It is an official Communist publication, so far as you know?

A Yes. Yes.

MR. BUCHMAN: Your Honor, I would like to offer this as Defendants' Exhibit 3.

THE COURT: This is not the time to do it.

MR. BUCHMAN: I want to note my objection to the ruling, sir.

Q (By Mr. Buchman) Mr. Nowell, are you familiar with the Communist Party position stated here on the right of self-determination of the Negro people?

A In that pamphlet?

Q Yes.

A Yes, I am familiar with it.

Q Will you state it to me as it is stated here?

W/9k

MR. GREEN: I object to the question in that form, the substance of it.

THE COURT: Your question now is whether he is familiar with that in this pamphlet?

MR. BUCHMAN: Yes.

THE COURT: And, therefore, you can, of course, ask him or read to him any reasonable portion of the pamphlet and ask him whether that is consistent or inconsistent with what he has told us, and he can, of course, make such reply as is correct.

Q (By Mr. Buchman) Now, Mr. Nowell, I read you from page 11 of the Resolution of the National Committee of the Communist Party, adopted at the plenary meeting of the National Committee on December 3,-5th, 1946, resolution on the question of Negro rights and self-determination:

"As always, the Communist Party stands firmly in the forefront of the struggle for full economic, social and political equality for the Negro people.

"In fighting for their equal rights, the Negro people are becoming more unified as a people. Their fight for liberation from oppression in the Black Belt -- the area of Negro majority population -- is a struggle for full nationhood, for their rightful position of full equality as a nation. In recognizing the struggle for equal rights in the South as a

W/10k

movement towards full nationhood, the Communist Party supplies new power to the Negro liberation movement and also advances the perspective of full freedom for the Negro people. This understanding, growing out of a constant fight for Negro rights, strengthens white and Negro solidarity, based firmly on working class unity, and provides the program of permanent alliance between the Negro and white masses.

"Today, the struggle for Negro liberation is concerned with gaining equal rights throughout the country, which includes in the South the struggle for attaining representative government and land reform. As our own history shows (Reconstruction) the development towards full and equal Negro participation in State and Federal government also moves in the direction of various forms of self-government by the Negro people,"--

THE COURT: Now, Mr. Buchman, it is getting a little difficult for the witness to bear all that in mind. You had better put a question to him on that. Your purpose in reading that to him is to find out whether that is inconsistent with what he has told us about his understanding of the doctrine of self-determination. Now, if you want to ask him whether there is anything inconsistent between his statement and that publication -- if that is the official position of the Communist Party -- you may do so.

W/llk

MR. BUCHMAN: Well, let me finish that one sentence.

"As our own history shows (Reconstruction) the development towards full and equal Negro participation in State and Federal government also moves in the direction of various forms of self-government by the Negro people, together with their white allies, in the Black Belt areas where they are in the majority."

Q (By Mr. Buchman) Is that position inconsistent with what you have told us?

A If I understand your question right, I stated in discussing self-determination the Communist Party was treacherously clever enough to link grievances and demands relating to those grievances with its ultimate objectives. Most certainly, some of the questions and problems raised there fall within the rights of democratic procedure. What I do know from the point of view of theory and practice within the Communist Party itself is that these are catch slogans and phrases designed to draw Negroes in as a sacrifice to pull Communist chestnuts out of the fire.

Q Isn't this a formal resolution of the National Committee, and doesn't that represent the program of the Communist Party?

A On the surface it seems to be all right, but if you will read the resolution of 1930, published in 1931,--

W/12k

Q Do you have that with you?

A I don't know whether it is here or not. Read the original resolution beginning with the Sixth World Congress Resolution on the National Colonial Question, the resolution of 1929 and the resolution of 1930.

THE COURT: Mr. Buchman, what do you understand by the statements that you read regarding recognizing the Negroes of the Black Belt as a separate nation?

MR. BUCHMAN: Well, as I read that, the theoretical right of self-determination would include there theoretically the right to be set up as a nation, but actually, as I will read further on in the next two paragraphs, the question of representation.

THE COURT: What you are questioning here is the theory.

MR. BUCHMAN: No. That is the program.

THE COURT: I must say I listened carefully to your reading of that, and I certainly do not understand what is meant by the expression that the Negroes of the United States are entitled to be a separate nation. That sounds to me a very unusual statement in any document that I know of.

MR. BUCHMAN: It is a scientific analysis of the status of the Negro people.

THE COURT: It is a scientific analysis of the status of the Negro people who are all Americans, with every

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3 pm

political right. That is what it seems to me to be, but I  
may misunderstand it.

Cavey fs  
Walker 3p

MR. FLYNN: You did not misunderstand it at all, sir. If you reread it, you find Your Honor's understanding of it is absolutely correct. "In recognizing the struggle for equal rights in the South as a movement towards full nationhood, the Communist Party supplies new power to the Negro liberation movement and also advances the perspective of full freedom for the Negro people."

THE COURT: Very well. I understand. Unless you have something further -

MR. BUCHMAN: I would like to read the last paragraph to clarify: "The Communist Party does not attempt to impose -

MR. GREEN: Mr. Buchman, you have read everything up to the preceding paragraph. Will you read the preceding paragraph so we will have the continuity of it?

MR. BUCHMAN: (Reading): "This movement provides the basis for the full realization of Negro nationhood, whether it be achieved under capitalism or socialism. The Communist Party supports the right of self-determination for the Negro people, that is, their right to realize self-determination in the Negro majority area in the South. Only on this basis will the relation of the Negro people to the State and Federal governments be



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determined on the basis of freedom.

"The Communist Party does not attempt to impose any specific solution in advance of the form in which the right of self-determination will be exercised; nor does it prematurely raise self-determination as an immediate slogan of action. The future solution of this question must arise from the living movement itself, out of the current and future struggles for democracy and equal rights. Its form will be determined by the relationship of social forces in the country as a whole and by the relation of the Negro people to the progressive coalition."

THE COURT: Is there any question you want to ask him about that? Apparently there is no reasonable inconsistency with what he has told you.

Q (By Mr. Bushman): Is that consistent or inconsistent with what you have stated to be your understanding of the Communist position in the light of self-determination?

A Of course, one don't get the full sense of what is meant there until and unless the entire program is read. So far as that one, it is consistent with the total program of self-determination. These are elementary, partial demands. On the larger resolution, you will see that they are linked with the ultimate objectives of the Communist Party or objectives of the proletarian revolution and

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dictatorship in the United States, and the Negro people in the South are to be used virtually as pawns in helping promote that sort of thing.

Q (By Mr. Buchman): Where were you born?

A I was born in the State of Georgia, the county of Walton, the county seat of which is Monroe, Georgia.

Q Did you go to school there?

A Yes.

Q When were you born?

A 1904, July 11th.

Q That makes you how old now?

A 47.

Q How long did you go to school in Georgia?

A Until I was 15 years old.

Q How long did you live in Georgia?

A Until 1922.

Q Where did you go after you left there?

A I went to Detroit, Michigan.

Q What year was that?

A The latter part of 1922 or first of 1923.

Q Did you go to school in Detroit?

A I did, evening school.

Q What school was that?

A Central High.

Q How long did you go to Central High School?

C 4

A A full two years, taking refresher courses, two years evenings.

Q Did you work during the time you were going to school?

A I did.

Q Where did you work?

A I was employed at an automobile plant there, the Dodge Motor Car Company.

Q In what capacity were you employed?

A I was a trucker who cleaned up machines, taking shavings out of the machines and sweeper.

Q Did you ever take a civil service examination for the Federal Government?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): Are you working in Washington or Baltimore?

A No, I am stationed in Detroit, Michigan.

Q You are stationed in Detroit now at the present time?

A Yes.

Q How long have you been stationed there?

A Since 1949.

Q Where did you first make application for your job, your present job?

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A In Washington.

Q Under what circumstances did you make that application?

MR. GREEN: I object.

THE COURT: Sustained unless you propose to show that there is some partiality or bias.

MR. BUCHMAN: That is the whole purpose.

THE COURT: You may ask any questions about that but your former question about under what circumstances was too general to be the basis for such an inquiry.

Q (By Mr. Buchman): Have you testified in any immigration hearings?

A yes, I have.

Q How many immigration hearings have you testified in?

MR. GREEN: I object.

THE COURT: I will let him answer.

A I don't remember the exact number, possibly 15 or 20.

Q (By Mr. Buchman): As a government witness, is that correct?

A That is correct.

Q Was that since you were employed by the Department of Immigration?

A Some before and some since.

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Q Have you also testified in court proceedings in behalf of the government?

A Yes, I have.

Q How many court proceedings?

A I don't know the exact number.

Q Can you estimate that number?

A Perhaps five or six.

Q Have you testified before any committees, Senate or House?

A Yes, I testify before the Congressional committees.

Q Is testimony of this character part of your work for the Department of Immigration?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): What compensation are you receiving to testify today?

MR. GREEN: I object.

THE COURT: Overruled.

A So far, I don't know what compensation will be paid. I haven't been told.

Q Do you expect to receive compensation?

A Not necessarily. If it is the policy - I think the policy is to pay witnesses, all witnesses come under that policy, of course. The policy is pursued with regard to all witnesses and I suppose I will be paid.

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Q (By Mr. Buchman): Did you stay in Detroit from 19 - what was that date you went to Detroit, may I ask?

A 1922 or the first of 1923.

Q And you have been in Detroit continuously until what year?

A Except for the time I was in Russia, I have been in Detroit continually up until 1947, when I went to Washington, D. C.

Q While you were there, you worked for the Ford Motor Company, is that correct?

A Yes.

Q Did you work in the Social Welfare Department there?

A Yes.

Q You were working for the company at that time, is that correct, in the Social Welfare Department?

A Yes.

Q Did you at that time act as a labor spy for Harry Bennett of the Ford Company?

MR. GREEN: I object.

THE COURT: Do you feel, counsel, that you are obliged to ask the witness that question in that form?

MR. BUCHMAN: Well, Your Honor, I do think it is relevant to make the inquiry.

THE COURT: I asked if you feel you must ask the question in that form.

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MR. BUCHMAN: Does Your Honor feel that the form is improper?

THE COURT: It seems to me that it is quite unnecessary to be apparently offensive to witnesses. I do not mean to suggest that this question is necessarily so, but it seems to me that the form of the question is likely to give offense to a witness and, therefore, I ask you whether you think it necessary to express it in that way. If, as counsel, you do, I will overrule the objection to it.

MR. BUCHMAN: I do not want to incur Your Honor's displeasure.

THE COURT: It is not a question of my pleasure, Mr. Buchman, or displeasure, which has nothing in the world to do with this case. I am ruling on questions of evidence in the progress of the trial without any feeling of any kind. At least, I hope so. That is my intention. I have no preferences or lack of preferences. If you want the question, if you feel you should ask the witness the question in that form, you may do so.

(By Mr. Buchman): I will withdraw the question. I think you said you were an official of the Communist Party while you were in Detroit?

A Yes, I was.

Q What was the year you said you entered the Communist Party?

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A In 1929.

Q And you left in 1936?

A At the end of 1936.

Q When you entered the Communist Party in 1929, did you join a club or branch or any unit of the Communist Party?

A I joined the shop unit, at least I was put into or assigned to a shop unit because I was working in an automobile plant.

Q That was the Ford plant at that time, was it?

A That is correct.

Q How long did you remain in that shop unit?

A Until the middle of 1930.

Q What were the activities of the unit of which you were a member?

A Well, it was to recruit members, take up what were considered grievances in the plant, to distribute the literature looking forward to organizing the workers in that plant under the leadership of the Communist Party.

Q Did you help to organize at that time the workers within the framework of any trade union?

A Yes, I did.

Q What union was that?

A That was the Auto Workers Union.

Q And you helped, together with non-Communists to



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bring workers into that union, is that correct?

A I did.

Q At that time, wages were low and hours were long, is that correct?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): Was that in the height of the depression or the beginning of the depression?

MR. GREEN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Buchman): I believe you stated - and I quote your language - "that inseparability of theory and practice is a tenet of Leninism-Marxism"?

A That is right. I did say that.

Q What do you mean by that, Mr. Nowell?

A What I mean by that is substantially what Lenin said and what we were taught to go by and did go by, that theory without practice is sterile and practice without guidance goes astray, so the policy of theory and practice speaks for itself, that you don't only advocate something but you do it.

Q You say what you advocate, you do what you advocate and you produce from what you say you advocate. Let me withdraw that last question. Does the inseparability of theory and practice mean to you that from the practice

C 11

you can determine the theory, the correctness of the theory?

A The question isn't quite clear to me.

Q Let me - someone made a suggestion here - doesn't the essence of it mean, you practice what you preach?

A Yes, it does. In substance, that is what it means.

Q From 1929 - - how long did you stay in the Ford Company and unit?

THE COURT: I think you have full opportunity to ask about his activities and so on on cross-examination but I do not see the relevancy of any further detailed examination about his activities in Detroit during that period.

MR. BUCHMAN: The witness has just stated that one of the fundamental tenets he learned was the inseparability of theory and practice, or, as he put it, practice what you preach, and I want to find what he did and in that way -

THE COURT: Ask your question.

Q (By Mr. Buchman): Did you help in any way to organize the unemployed in 1929 and 1930 while you were in Detroit?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): While you were in Detroit in

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1929, did you work on certain problems that were known as special problems of the Negro people?

MR. GREEN: In what capacity, Mr. Buchman?

MR. BUCHMAN: As head of the Negro Commission.

A Yes, I did.

Q What did those problems include?

A They included what is contained in the Communist Program on the Negro question, involving, of course, the ultimate objectives of the Communist Party.

Q Did you work on the question of discrimination and anti-lynching campaign?

A Yes, I did.

Q And alleged police brutality?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): Did you work on the Scottsboro campaign?

MR. GREEN: I object.

THE COURT: Sustained.

Q (By Mr. Buchman): More relief for the Negro people?

MR. GREEN: I object.

THE COURT: Mr. Buchman, I sustained three objections along the same line. Do you wish to ask more questions along the same line?

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Q (By Mr. Buchman): I think you said you went to the Soviet Union in 1931, was it? What was the exact date?

A The first time in 1929; the second in 1931.

Q On which trip was it that you saw Mr. Frankfeld, when you say he accompanied you?

A In 1931.

Q Do you recall the name of the ship on which you traveled?

A It seems to me it was the Majestic.

Q And that ship left from New York?

A It did.

Q And went to London, I think you stated.

A Southampton, yes.

Q Did you apply for a passport?

A I had a passport from 1929, which I used in 1929.

Q Did you have your passport stamped when you went to London?

A I did.

Q And it was stamped there - all passports were stamped there, is that correct?

A Mine was extended, because we were in transit, yes, stamped in transit, yes.

Q Are you sure Mr. Frankfeld accompanied you on the same steamer?

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A Yes, I am reasonably sure he did.

Q Are you sure he went to Southampton with you?

A I am reasonably sure.

Q You don't happen to have your passport with you, do you?

A No, it is at home.

Q Are you certain the passports were all stamped on arrival in England?

A I don't know about the other stamping. In fact, the leader of our delegation took care of passports and all arrangements were taken care of by Potash and a committee selected to take care of those things. My interest in my passport was that I had to have it extended.

Q Are you absolutely sure you went on the Majestic?

THE COURT: Oh, Mr. Buchman, what difference does it make whether he went on the Majestic, the Rockingham or--

MR. BUCHMAN: It makes a great deal of difference if Mr. Frankfeld did not travel on that ship to England and that is what I would like to establish.

THE COURT: Does the name of the ship make any difference?

MR. BUCHMAN: This witness has a good memory about other things in 1929 and 1931.

THE COURT: He is not sure about the name of the ship apparently. Did you say you were not sure?

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THE WITNESS: I am not absolutely about the name of the ship. I think it was the Majestic.

Q (By Mr. Buchman): It couldn't have been the Bremerhaven, could it?

A I hardly think so.

Q Is this a picture of Mr. Frankfeld?

MR. GREEN: May we see what you are showing to the witness?

MR. BUCHMAN: Sure.

MR. GREEN: If Your Honor please, I don't know just what the purpose of Mr. Buchman is but I object to him showing this witness anything unless the witness has seen it before. If Mr. Buchman desires to have that particular document introduced in evidence, I think it is appropriate to do so not through this particular witness.

THE COURT: I suppose the purpose is to show that the witness' recollection is incorrect when he says Mr. Frankfeld accompanied him on the ship.

MR. GREEN: If Your Honor please, in that connection, I might state that my examination of that book does not disclose the name of the ship one way or another.

MR. BUCHMAN: It does disclose the arrival in Britain.

THE COURT: You show him the photograph of somebody and ask if this is Mr. Frankfeld?

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MR. BUCHMAN: Yes.

THE COURT: Let me see it. Well, by the entries in the book themselves, the date is about about the 30's, is it? I didn't pick it up in this light. What is the date of this passport book, do you know?

MR. BUCHMAN: I have to look at it.

THE COURT: The photograph would be the date of the issuance of the book.

MR. BUCHMAN: August 25th, 1931 is the date of this book.

THE COURT: Then the photograph was taken some 21 years ago.

MR. BUCHMAN: I would like to offer this in evidence at this time.

THE COURT: This is not the time to do so. If you want to cross-examine the witness about the witness' recollection on that subject or show him the photograph and ask whether that is a photograph of Mr. Frankfeld, you may do so.

Q (By Mr. Buchman): Is this a photograph of Mr. Frankfeld?

A Yes, this is a likeness of him.

Q As a matter of fact, Mr. Frankfeld was refused a visa in England in 1931, do you recall that?

MR. GREEN: I object.

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THE COURT: Why do you state it if it is not in evidence?

MR. BUCHMAN: I am asking the witness a question, if he recalls.

THE COURT: You made a flat statement to him and then say, "Do you recall that?" That is just possibly an inertful way to ask the question but I have to sustain the objection to it. Counsel are not supposed to make statements about things that are not in evidence and then ask the witness does he recall them. You can, of course, ask him whether he knows that such a thing happened, but to make a statement that such a thing happened and then ask whether he recalls it is not the proper way to ask the question. I am not criticising counsel personally but passing on the evidence.

Q (By Mr. Buchman): Do you know whether Mr. Frankfeld was denied the right to go to Britain in 1931?

A No, I don't. Potash told me that they were having some difficulties.

THE COURT: I do not hear you.

A The head of the delegation, Potash, told me they were having some difficulties and we were being unduly detained due to this arrangement he had to make, but I wasn't aware that Frankfeld was denied a visa to Britain.

Q Is it possible that it could have happened?



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MR. GREEN: I object.

THE COURT: I sustain the objection.

Q (By Mr. Buchman): Would your recollection be refreshed that he was not granted a visa from this passport?

MR. GREEN: I object.

THE COURT: I sustain the objection. The question, it seems to me, may have something - the question assumes you have something in that book to show that.

Q (By Mr. Buchman): Do you recall the date on which you arrived in Southampton?

A No, I don't know the exact date.

Q Do you recall the month that you arrived there?

A Sometime around the first of September or latter part of August.

Q Do you recall the name of the hotel in which you stayed?

A I stayed with other members of the delegation in the Hotel Oxford Square.

Q Do you recall where Mr. Frankfeld stayed?

A I don't recall specifically, but a large number of the delegation, if not all, stayed in the Hotel Oxford Square.

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Q But you don't recall specifically seeing him in the hotel?

MR. GREEN: I object to that, if Your Honor please. The witness didn't indicate anything of that kind in his prior answer.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Do you recall whether or not you saw Mr. Frankfeld in the hotel?

A No, I don't recall specifically whether I saw him in the hotel or not.

Q Do you recall specifically whether or not you saw him on the ship going over?

A It is my recollection that I did.

Q Did you attend all the classes in the Lenin School?

A The classes of the curriculum, yes.

Q Do you recall whether or not you saw Mr. Frankfeld there?

A I certainly do recall.

Q Now, after you left the Communist Party in 1936 you made speeches against the Communist Party, didn't you?

A Later I did, yes.

Q And that is after 1939?

A Yes, after 1939.

Q And they were public speeches, were they not?

A They were.

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Q At meetings?

A Yes.

Q And were these meetings conducted by Gerald L. K. Smith?

MR. GREEN: I object to that, if Your Honor please.

THE COURT: I didn't get the name. I didn't get it except the first name of Gerald somebody. I don't think that is material to this case. The only relevance that this particular question, as to whether or not he made speeches after 1939, is possibly to show bias or hostility on his part. If that question is gone into, in turn, the Government, I suppose, has the opportunity to prepare the basis for any such hostility.

Q (BY MR. BUCHMAN) Were there meetings conducted by Gerald L. K. Smith?

A I believe he was the sponsor of some of those meetings at which I spoke.

Q Didn't you do research work for Gerald L. K. Smith?

A I don't know if it was research, I looked over files for him.

Q And you got paid for that?

A Yes, I was paid a token fee.

Q And the title, or you were named as his race relations advisor by him? Did he not name you his race relations advisor?

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A I don't know anything about that. I was never his advisor. I discussed things with him as I did with other people, about Browder and Gerhart Eisler, any number of people.

Q How long have you worked for Gerald L. K. Smith?

A Approximately two weeks and a couple of hours a day.

Q Were your speaking engagements on the same platform with him confined to a period of two or three weeks?

A No, they extended over a longer period of time.

Q Wasn't Gerald L. K. Smith connected with your organization at that time?

MR. GREEN: I object to that.

THE COURT: Sustained.

Q (BY MR. BUCHMAN) Didn't you speak with Gerald L. K. Smith from the same platform under the auspices of his organization?

MR. GREEN: I object.

THE COURT: I sustain the objection.

MR. BUCHMAN: If the Court please, this is as far as I can go at the present time, sir.

THE COURT: Very well, any redirect examination?

REDIRECT EXAMINATION

Q (BY MR. GREEN) Mr. Nowell, I show you copy, or issue, of The Communist, Volume X, No. 2, February, 1931,

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and direct your attention to page 153 and ask you if you will state what appears on that page and the immediately following pages?

MR. BUCHMAN: I object to the reference to this document.

THE COURT: I sustain the objection to the question as put.

Q (BY MR. GREEN) Well, I show you the document that I have described, Mr. Nowell, and point out that on page 153 through page 167 there appears "Resolution on the Negro Question in the United States, Final Text, Confirmed by the Political Commission of the E.C.C.I.," and ask you if you will look at this resolution and state whether or not it embodies the doctrine of self determination as you have heretofore described it?

MR. BUCHMAN: I object to that question.

THE COURT: This is redirect examination, Mr. Green, and I don't recall that he was asked about this document in direct examination, or cross-examination.

MR. GREEN: He was. He was questioned on his cross-examination, sir, about that document. The question as to this document came up when he treated the question of the doctrine of self determination, as he had described it, and it is for that reason I am asking him to identify this, and for that reason only.

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THE COURT: Well, is it a long quotation?

MR. GREEN: As a matter of fact, I didn't intend to read it. I merely want to ask the witness to identify it, state what it was, and then move its admission without reading the whole thing.

THE COURT: No. I think we have had enough such literature put into evidence. For the present, I sustain the objection.

Q (BY MR. GREEN) Mr. Nowell, did you share the -- well, I will withdraw that.

MR. GREEN: I have no further questions.

THE COURT: Very well, step down, sir.

(Witness excused.)

THE COURT: Who is your next witness?

MR. GREEN: If Your Honor please, I would like to call as the Government's next witness Mr. Charles W. Nicodemus.

THE CLERK: Charles W. Nicodemus.

THE COURT: I suppose somebody is going to get the witness because they are all kept out of Court.

MR. GREEN: Yes, sir. Someone has just come in, sir.

Thereupon,

CHARLES W. NICODEMUS,

was called as a witness for and on behalf of the Government and, having been duly sworn was examined and testified as

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follows:

THE CLERK: Take the stand.

Your full name?

THE WITNESS: Charles W. Nicodemus.

THE CLERK: Charles W. Nicodemus.

DIRECT EXAMINATION

By Mr. Green:

Q Now, Mr. Nicodemus, this is a large room, so will you try to keep your voice up so that His Honor and the members of the jury can hear you. What is your full name?

A Charles W. Nicodemus.

Q Where do you live, Mr. Nicodemus?

A Dawson, Maryland.

Q And where are you employed?

A Celanese Corporation of America.

Q For how long have you been employed there?

A I have been employed there, sir, since 1933.

Q When and where were you born, Mr. Nicodemus?

A I was born in Frostburg, Maryland.

Q When?

A 1911.

Q What education do you have?

A I went through the Seventh Grade.

Q And are you married at the present time?

A Yes, sir.

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Q Now, have you ever been a member of the Communist Party?

A Yes, sir.

Q In what period did you belong to the Party?

A Well, I joined the Party in 1937, and I left the Party in 1946.

Q Where were you employed when you joined the Party?

A I was employed at the Celanese Corporation.

Q And what particular job and in what department were you employed?

A Now, I was employed in the textile department, and I still am as a machine operator.

Q Were you a member of a union at that time?

A I was a member of the union in 1936, when we organized the union, and I have been a member since that time.

Q Now, to what unit of the Communist Party were you assigned?

A I was assigned to the textile unit of the Communist Party.

Q And approximately how many members were in that unit?

A Well, from time to time there was anywhere from twenty-five, thirty members.

Q You say the name was the textile unit. Was the membership of that unit limited to employees of the Celanese Corporation?



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A In the unit, yes, sir.

Q What other unit of the Communist Party did the textile union belong to?

A The Allegany County Communist Party.

Q And what unit did the Allegany County Communist Party belong to?

A Maryland District of Columbia.

Q Is that also known as District 4?

A Well, I don't know as to that. I only knew the Maryland District of the Columbia Communist Party.

Q Who was responsible for you joining the Party?

A A man who I knew as Lance Clark.

Q And did he recruit you into the Party?

A Lance Clark signed me into the Party.

Q Now, over what period did you know Lance Clark?

A Well, I knew Lance Clark from the spring of 1937 -- well, I can't just remember the time Lance was taken away from Cumberland, but I knew him from 1937 until that period of time he was removed from Cumberland.

Q In what union have you belonged since 1937?

A Local 1874.

Q Of what?

A Textile Workers Union of America.

Q When was that organized?

A It was organized in Cumberland in 1937.

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Q Now, did you hold any offices in the textile unit, or the Allegany County Communist Party between the time you joined in 1936 and 1940?

A Well, yes. One time I was group captain.

Q Now, what is a "group captain"?

A Well, during the period 1939-1940, for security reasons the Party was broken down into groups of five, that is, four members and the captain, and I was appointed a captain in one of those groups.

Q I see. Now, under you there were four people?

A Four people.

Q And to whom did you report?

A To the County Committee.

Q The County Committee, that is, the County Committee of Allegany County of the Communist Party?

A It was just called the County Committee. It wasn't called the Allegany County Committee. It was just the County Committee.

Q Now, up until 1940 or 1941, did you hold any other offices in the textile unit, or in the Allegany County Communist Party?

A Until 1941, you say?

Q Yes.

A I had been on the trial board, a member of the trial board.

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Q What is the "trial board"?

A Well, the trial board is a group of people composed of certain members of the Party who try people who deviate from the Party line.

Q Deviate from the Party line. Now, what do you mean by that?

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

THE COURT: Overruled.

THE WITNESS: I mean if they failed to carry out Party policy.

Q (BY MR. GREEN) I see. And what period were you on that board?

A 1939 until about the end of 1940.

Q Now, prior to 1940, did you at any time attend any classes in connection with your membership in the Communist Party?

A Yes, I attended some classes.

Q Now, who was the instructor of those classes?

A Walter Post.

Q And when were they given?

A These classes were given about once a week, preferably on a Sunday. That was decided upon that it would be preferable to be given on a Sunday because a majority of the people who attended the classes were free from work on Sunday.

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Q Now, in what year or years were these classes given?

A These classes were given from around sometime in 1937, and I stopped going to these classes in around 1939, the first part of 1939.

MR. BUCHMAN: If the Court please, I move that all that testimony relating to anything prior to the date of the indictment, prior to the date that comes within the period of limitations, and the date of the enactment of the Smith Act be stricken.

THE COURT: Well, it is quite obvious that the testimony has no importance unless it is followed up by other testimony as to a later date.

Q (BY MR. GREEN) Now, were any books used in connection with the educational classes, Mr. Nicodemus?

A Why, yes, sir. You see, in these classes you had the literature agent. The literature agent appeared at these classes -- they had regular Party meetings, and the literature agent sold this literature for whatever could be gotten. In these classes there were several books that were used and --

THE COURT: Now, don't let's go into the literature question again.

MR. GREEN: Well, could he just outline the titles, if Your Honor please?

THE COURT: No, because they haven't been offered

in evidence yet.

MR. GREEN: Well, the ones I have reference to are already in.

THE COURT: Well, pick one or two of them. Let's not have too many of them.

Q (BY MR. GREEN) I show you Government's Exhibits 4, 7, and 11, and ask you if you will state whether or not you used those books in connection with the classes you have just described that you attended and which were sponsored by the Communist Party (handing books to the witness)?

A These two books (indicating) were used.

Q These two (indicating)?

A Yes, that I can recall.

Q And that is "Foundations of Leninism" and the "Communist Manifesto"?

A Right.

Q How about the third one?

A This book (indicating) was sold to members, and the members who couldn't afford to buy the book were urged to read it, and I have a copy of the book.

Q That is the "History of Communist Party" of the Soviet Union also known as "History of the C.P.S.U"?

A Yes, that is right.

Q Now, Mr. Nicodemus, what did you then understand to be the nature of Communism?

MR. BUCHMAN: Oh, I object to that question, Your

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Honor.

THE COURT: Well, it is too broad.

You have a great deal of evidence from other witnesses on that subject.

I sustain the objection.

MR. GREEN: May I ask for guidance on further questions, if the objection has been sustained because it is merely too broad?

THE COURT: Yes, it is too broad. Also, it is repetitive and cumulative.

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345

Q (By Mr. Green) Now, were you active in the textile unit in the Communist Party of Allegany County from 1940 until 1944?

A Yes, sir.

Q What was the size of the textile unit in that period, Mr. Nicodemus?

A Well, the textile unit is all of the -- the entire Allegany County. Of course, at that time it dwindled due to induction of members into the Armed Services, and, of course, while I say I was active at that time, I was just about as active as I could be under the circumstances, which was not very much.

Q Now, what do you mean by you were just about as active as you could be under the circumstances?

A Well, I attended some meetings, but these meetings were composed mostly of two or three people because of the lack of membership.

Q I see. Were you inducted into the military service during that period?

A I was drafted but I was rejected.

Q For what reason?

A Why, some trouble with my ears, a discharge from both ears.

Q I see. Now, in 1944 did you become a member of the Executive Board of the Allegany County Party?

W/2k

A Yes, sir, in 1944 I did.

Q And about what time in 1944?

A It was some time in the summer of 1944.

Q And will you tell His Honor and the members of the Jury the circumstances surrounding your appointment to the Executive Board?

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

THE COURT: I sustain the objection.

Q (By Mr. Green) Who asked you to become a member of that Board, Mr. Nicodemus?

A A man who was introduced to me as Whitey Goodfriend and Evelyn Coleman.

Q Now, who was Whitey Goodfriend?

A Whitey Goodfriend was an organizer for the Communist Party, sent in to Cumberland just at that time.

Q Do you know who sent him in?

A He come from Baltimore.

Q Who was Evelyn Coleman?

A Evelyn Coleman at that time was acting as a party organizer in the Cumberland area. She is the wife of Bowie Coleman.

THE COURT: I should sustain an objection to the last two questions.

MR. BUCHMAN: I move that all be stricken.

MR. GREEN: Do I understand they are in or they are



W/3k

out?

THE COURT: They are in because they are not objected to, but I want to indicate to you that I think this line is not proper for examination.

MR. BUCHMAN: I would like to move that the answers be stricken, Your Honor.

THE COURT: It is not worth while, because it is immaterial, I think.

Q (By Mr. Green) Now, how long did you remain on the Executive Board of the Allegany County Communist Party?

A So far as I am aware, I was on the Executive Board until 1946, until I no longer was a member of the Party.

Q I see. Now, do you know Albert Lannon?

A Yes, sir.

Q Where did you first meet him?

A The first time I met Albert Lannon was in Cumberland, at the home of Bowie Coleman.

Q The home of whom?

A Bowie Coleman.

Q Who was Bowie Coleman?

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

THE COURT: That was one of the names Mr. Flynn asked about, I think.

MR. GREEN: That is right, he is named in the

W/4k

indictment as a co-conspirator.

THE COURT: Very well.

Q (By Mr. Green:) Now, what was the date of this meeting at which you met Al Lannon?

A I don't know the exact date, but it was in the late summer of 1945.

Q And who was Al Lannon at that time?

A Al Lannon was introduced to me as a director of the Maryland-District of Columbia Communist Party.

Q Now, did you have a meeting with him?

A Yes, sir, we had a meeting.

Q And where was that meeting and who was present?

A That meeting--

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

THE COURT: I do not see the relevancy of it.

MR. GREEN: Well, if Your Honor please, the only reason that I am going into the dates and the places is that I just want to lay a foundation for the witness' testimony, because I assume that unless that is given first they will want to know the date, the time and the place and who was present.

THE COURT: Well, you say that it is just preliminary to some other question that you think is material?

MR. GREEN: That is correct, sir.

THE COURT: Very well.

W/5k

Q (By Mr. Green) Go ahead, Mr. Nicodemus. Will you state the date, the place of the meeting and who was present?

A The meeting was at the home of Bowie Coleman on Mechanic Street in Cumberland, Maryland, in the late summer of 1945. Present were Al Lannon, Bowie Coleman--

MR. BUCHMAN: Your Honor, I object to it--

THE COURT: Overruled for the moment, for the reasons stated.

A --Bowie Coleman, Evelyn Coleman, Lee Starkey, and Whitey Goodfriend.

Q Whitey Goodfriend. Now, do you recall any discussion at that meeting?

A Yes, sir.

Q Will you state what the discussion was?

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

THE COURT: I do not see the relevancy of that, Mr. Green. He named four or five people, with the exception of Lannon we have not heard of before. So far I sustain the objection. If you have a point about it, come to it.

MR. GREEN: If Your Honor please, I am confronted with the same problem I was before. I cannot state the point unless I give what I anticipate will be the witness' reply.

THE COURT: Well, you can ask a question and then

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maybe you will get a little closer to it.

Q (By Mr. Green) Was there any discussion of politics and the war at that meeting?

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

THE COURT: Suppose there was. What have we got to do in this case with a meeting of four or five individuals, who are not defendants in this case, back in 1944?

Q (By Mr. Green) Mr. Nicodemus, might I ask you again to state when the meeting was?

A In the late summer of 1945.

Q Do you know whether or not at that time the Communist Political Association had been dissolved and the Communist Party reconstituted?

MR. BUCHMAN: I object to that question.

THE COURT: I will let him answer that if he knows.

A We had not been so informed yet, Mr. Green.

Q (By Mr. Green) Had you been aware of the Communist Political Association?

A Yes, sir.

Q Now, at that meeting, Mr. Nicodemus, did Al Lannon at any time make any statements as to what the Communist Party stood for and what they intended to do?

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

W/7k

THE COURT: Sustained.

MR. GREEN: Might I ask the basis for Your Honor's ruling so that I can be guided in subsequent questions?

THE COURT: There are three or four, Mr. Green. One is the time. Second, is the parties named who are not defendants in this case. Third is I do not see any importance of what was said at that particular meeting. I have allowed testimony heretofore with regard to the general purposes of the Communist Party only on the theory that it is followed up by evidence with regard to these particular defendants within the time of the indictment.

MR. GREEN: If Your Honor please, the reason I am asking so many questions about this particular meeting is, firstly, that the meeting is within the time of the indictment.

THE COURT: 1945?

MR. GREEN: Yes, sir.

THE COURT: What is the period of limitations applicable in this case?

MR. GREEN: Limitations? You mean as to the overt acts? Three years, sir.

THE COURT: Well, 1945 is not within three years of the indictment.

MR. GREEN: No, if Your Honor please, but the indictment charges that the conspiracy was carried on during

W/8k

the period of April, 1945, until--

THE COURT: Yes, I know, but you are asking now about a meeting which may have been the basis of a conspiracy between the people who attended the meeting who are not defendants in this case.

MR. GREEN: But I point out further, if Your Honor please, that Al Lannon, the person present at the meeting, according to the witness' testimony, and about whose discussion I am inquiring, is named in the indictment as a co-conspirator.

THE COURT: That is right, but you have not proved yet that he had a conspiracy with any of these defendants nor they with him.

MR. GREEN: If Your Honor please, if you recall the opening statement, that will have to be followed up by subsequent evidence.

THE COURT: I understand, but I am not letting in evidence of that kind until you have evidence that connects up Lannon with some of these defendants. Now, the rules of evidence in conspiracy cases are difficult to apply at times, but that is one of the rules.

Q (By Mr. Green) Now, Mr. Nicodemus, when did your membership in the Party terminate or cease?

A In January of 1946.

Q At that time will you tell His Honor and the members of

W/9k

the Jury what your understanding of the doctrine of Marxism-Leninism was?

MR. HUCHMAN: Objection, Your Honor.

Q (By Mr. Green) Will you tell His Honor and the members of the Jury, Mr. Niscedamus, whether or not at that time it was your understanding that the Communist Party stood for the dictatorship of the proletariat and the overthrow of the Government by force and violence?

MR. BRAVERMAN: Objection, Your Honor.

THE COURT: On what ground?

MR. BRAVERMAN: On the ground that it goes to the issue in this case, sir. There has been no foundation here as to what this man's understanding is or anything that goes actually to the question of what the Jury is going to decide in this case, and it is an opinion.

THE COURT: I think your objection goes to the weight of his evidence but not to the admissibility of it. Objection overruled. Proceed.

A That was my understanding at that time.

Q (By Mr. Green) For what period had such been your understanding?

A Since the late summer of 1937.

MR. BRAVERMAN: Just a minute. I ask the answer be stricken, Your Honor.

THE COURT: Overruled.

W/10k

Q (By Mr. Green) Was that your belief and understanding throughout the entire period from 1937 until January of 1946?

A Yes, sir.

MR. BUCHMAN: Objection, Your Honor, as to his belief.

THE COURT: Sustained.

MR. GREEN: Will Your Honor indulge me for a moment, please?

THE COURT: Well, it is one minute until 4:00. I guess we might as well adjourn. It is the usual time for adjourning.

MR. GREEN: All right, sir.

THE COURT: You are excused, members of the Jury, until tomorrow morning at 10:00 o'clock.

(Thereupon, at 4:00 o'clock, p.m., the Court adjourned to Tuesday, March 18, 1952, at 10 o'clock, a.m.)

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

*Francis J. Jones*

*Harry M. Lewis*

*Leroy Walker*

*Charles G. Cawey*

Official Reporter.