

O. Bon. D. Smith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

vs.

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

Criminal No. 22309
Criminal No. 22322

TRANSCRIPT OF PROCEEDINGS

Before
HON. W. CALVIN CHESNUT
Judge

Thursday, March 20, 1952

Volume IX

(Page ¹⁵³⁰ to page 1577)

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

X

I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
Robert A. Benner	1533(G)	1536(BR)	1559(G)	1559(BR)
Frank Barnickol	1560(F)	1569(W)		

EXHIBITS

<u>Government's No.</u>		<u>Page</u>
48	"Authority of Unincorporated Organization to Open Account", dated August 29, 1945	1562
49	Letter on letterhead of Communist Party of Maryland and D. C. dated April 16, 1946	1563
50	Letter on letterhead of Communist Party of Maryland-D.C., April 20, 1949 and signature card	1564a
51	"Authority of Unincorporated Organization to Open Account dated November 15, 1949 and signature card	1566
52	Letter, February 20, 1952 from Meyers addressed "To Whom it May Concern," together with authorization	1569

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

Baltimore, Maryland
Thursday, March 20, 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

P R O C E E D I N G S

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

THE COURT: Are you ready to proceed?

MR. GREEN: If Your Honor please, at the conclusion of the session of yesterday afternoon Your Honor made inquiry as to whether there would be further witnesses on behalf of the Government, and I would like to state at this time, if Your Honor please, that after a very brief further direct examination of Mr. Benner, and one further very very short witness, the Government has decided to call no further witnesses at this time.

THE COURT: Very well, Mr. Green. You may proceed.

MR. GREEN: Thank you, sir.

Thereupon,

ROBERT A. BENNER,

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

DIRECT EXAMINATION (continued)

By Mr. Green:

Q Now, Mr. Benner, during what period did you belong to the Dundalk-Turner Club of the Communist Party?

A Sometime in 1947 to August in 1949.

Q Now, did that organization meet regularly?

A Yes.

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Q How regularly, Mr. Benner?

A Once every two weeks.

Q And during that period of time did any of the members of the Dundalk-Turner group hold offices in any union?

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

THE COURT: Sustained.

THE WITNESS: No, sir.

MR. GREEN: Excuse me.

Q (BY MR. GREEN) When we concluded yesterday, Mr. Benner, we were covering certain classes which, if my recollection serves me right, you testified you attended in the spring of 1949; is that correct?

A Yes, sir.

Q Now, was any book assigned in connection with those classes?

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

THE COURT: Overruled.

MR. BUCHMAN: It is repetitious. The question was already answered, sir.

THE WITNESS: Different sections or pages or paragraphs of the History of the CPSU was assigned to two members at each class and for them to bring a report in the following meeting of what they got out of the reading of that chapter.

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Q How many of those classes did you attend, Mr. Benner?

A Three at the East Fayette Street, about three.

Q Who, if you recall, conducted those classes?

A Philip Frankfeld.

Q Did he conduct all of them?

A Yes, sir.

Q Do you know whether or not anyone else -- I will withdraw that question.

In connection with this book, the History of the CPSU, in connection with those classes, did you go through it, with the assignments, in the order of the pages?

A Yes, sir.

Q When did you terminate your membership in the Dundalk-Turner Club, Mr. Benner?

A In August of 1949.

Q Did you during that month have any contact with Philip Frankfeld?

A Yes, sir.

Q Was he at that time chairman of the Communist Party for the District of Columbia and Maryland?

A Yes, sir.

MR. GREEN: I think that is all. You may cross-examine.

CROSS-EXAMINATION

By Mr. Braverman:

Q How old are you, Mr. Benner?

A Forty-seven.

Q I believe you testified you went to work for the Bethlehem Steel Company at Sparrows Point?

A Yes.

Q When did you go to work there?

A The last time in 1927.

Q Did you work there before 1927?

A I worked there in 1925, nine months.

Q Where did you go to work after leaving Bethlehem Steel?

A Different places in town.

Q In Baltimore?

A Yes.

Q When you went with Bethlehem Steel in 1927, what kind of job did you have?

A I started on the ground floor, laborer.

Q Laborer?

A Yes.

Q How long were you laborer?

A About, just a week or so.

Q What was your next job?

A In the mechanical department.

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Q What was your next job?

A In the mechanical department.

Q What was your classification? What did you do in the mechanical department?

A Millwright helper.

Q How long were you a millwright helper?

A Oh, well, I would say I worked in that section, the open hearth, between the millwright and the open hearth, a little over a year.

Q What was your next job?

A My next job was nailman.

Q How long were you a nailman?

A Four or five months.

Q And your next job?

A Millwright.

Q How long were you millwright?

A A few years.

Q What was your next job?

A Construction.

Q What do you mean by construction?

A I mean building plants, increasing the plant space.

Q What was your job then?

A Carpenter's helper.

Q Did you ever become a foreman?

A No, sir.

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Q What is the highest job you had at Bethlehem Steel at Sparrows Point?

A Your Honor, may I answer that question in my own way? The question was whether I ever became a foreman. I have, a die room foreman.

Q (BY MR. BRAVERMAN) What is that?

A That is according to what shift I worked.

Q Well, what year was that?

A 1934.

Q How much did you get paid for that?

A I just got paid the hourly rate.

Q What was the hourly rate? Do you remember?

A I don't recall.

Q Did you get demoted?

A No, sir.

Q I ask ^{-ed} you what your highest job was that you had, the highest classification?

A Well, the next classification was wire drawer.

Q And the next classification? Was that up or down?

A Well, that was back down.

Q Back down?

A Yes. I asked to be taken off.

Q When did you join the union?

A I would say if I remember correctly in 1934 with the old Amalgamated Fire and Steel Workers of North America.

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Q That was after you had requested the company to put you into a lower classification?

A Well, no, sir, that was while I was --

Q While you were an organizer?

A I was a working foreman on the job.

Q That had the title of foreman, didn't it?

A Yes.

Q Now, did you attend union meetings?

A Yes, sir.

Q How long were you in the union?

A Until 1949.

Q What was the job you had at Bethlehem Steel at Sparrows Point when you left Baltimore in 1949?

A Wire drawing.

Q And the rate of pay?

MR. GREEN: I object to that if Your Honor please. I don't know that the answer makes any difference one way or the other; but I think it is carrying it too far.

MR. BRAVERMAN: I just have a few more questions along this line, if Your Honor please, and then I will conclude. I have something I want to bring out.

THE COURT: Very well.

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Q (By Mr. Braverman) Answer the question, please.

A Wire drawing is incentive pay. Therefore, you can earn from, let's say -- at that time from \$12 to \$20, \$22 a day.

Q A day. How much were you earning when you left Baltimore?

A Oh, my average was around \$20 a day.

Q \$20 a day. And when you went from Baltimore to Los Angeles -- is that where you said you are now living?

A Yes, sir.

Q Did you get a transfer from Bethlehem Steel to Bethlehem Pacific?

A I was transferred, yes, sir.

Q And what was the job you got when you got to California?

A Foreman.

Q You got a foreman's job?

A Yes, sir.

Q How many men do you have working under you?

A At the present time I have nine wire drawers and the pickler and helper.

Q How much do you make?

A \$500 a month.

Q Now, did you ever hold office in the Union you belong to? Did you ever hold any union office?

W2k

A Here in Baltimore, you are speaking of?

Q Yes.

A Yes, sir.

Q Are you a member of the union in California?

A No, sir.

Q Now, during the time that you were in the employ of Bethlehem Steel and during the time that -- excuse me. Did you say yes, sir, you were holding union office?

A Yes.

Q What union office did you hold?

A In the old Amalgamated Iron and Steel Workers I held the vice president of the wire mill local and later all the locals were banded into one local, and I held the financial secretary.

Q And what was that, the forerunner of the present United Steelworkers?

A Yes, sir.

Q Did you hold any office in the present union, United Steelworkers?

A Yes, sir.

Q What office?

A I was Chairman of the Legislation Committee.

Q Now, during all the time that you worked at Bethlehem Steel Company and you attended union meetings and you participated in union activities, did you report on the

W3k

activities of the members of the union and the activities of the union itself to any official of Bethlehem Steel Company?

A No, sir.

MR. GREEN: I object to that, if Your Honor please.

THE COURT: I sustain the objection. I do not see the purpose of it as cross-examination or as bearing on any issue in this case.

MR. BRAVERMAN: Your Honor, I think it is quite material as to the character of the witness, as to the weight of his evidence, as to what his real activities have been over a long period of time, sir.

THE COURT: You can, of course, attack the credibility of the witness. Up to the present time I have not noticed that any questions bear on that in any way.

MR. BRAVERMAN: Well, I think his testimony went that he was a member of the union up until August, '49.

THE COURT: I don't know that this case involves any issue between employees of the Steel Company and its management. We have nothing to do with that in this case, so far as I know.

MR. BRAVERMAN: I think, sir, the issue is material whether this man has been an informer, not only in the Communist Party but on his fellow employees in the union.

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THE COURT: You can ask him about his activities as an informer in the Communist Party, certainly.

Q (By Mr. Braverman) Now, I believe you testified yesterday, Mr. Benner -- by the way, when did you come to Baltimore to testify here?

A I arrived yesterday morning.

Q Did you come by train or plane?

A Plane.

Q And how much are you getting a day to testify here?

A Expense.

Q What do you call expenses?

A My living expenses.

Q Are you getting any fees besides your living expenses?

A The witness fee.

Q How much is that?

A I mean, that is all included.

Q Well, how much is the witness fee?

A I understand it is \$3.

Q \$3 a day. Are you getting your wages from the Bethlehem Steel Company while you are away?

A No, sir.

Q Now, I believe you testified yesterday that about 1943, is that correct, you were approached by a fellow worker--

A Yes, sir.

W5k

Q --out at Bethlehem? And he asked you to do some undercover work; is that correct?

A Yes, sir.

Q Who was that man?

MR. GREEN: I object to that, if Your Honor please.

THE COURT: I do not see that it is material one way or the other, but I will let the question be asked.

Q (By Mr. Braverman) All right. Answer, please.

A Jimmy Deluca.

Q Jimmy Deluca?

A Yes, sir.

Q Now, how long did you know this Jimmy Deluca?

A He had been in the employ of the Company in that department a couple of years at that time.

Q Was he an FBI agent?

A That I couldn't answer. I don't know one way or the other.

Q Well, did you ask him how come he approached you to do undercover work for--

A That wasn't my business to stick my nose in his.

Q You mean that when a man came to you that you thought was an employee of Bethlehem Steel and asked you to do undercover work for the Government that you didn't question him or ask for credentials or anything like that?

A He was a friend of mine. He worked in the same

W6k

department that I worked in.

Q Well, then, did you know as a friend that he was an FBI agent?

A He come out and told me that he had been working with -- against the Communist Party with the Catholic Priest from East Baltimore. Do I make myself clear?

Q No, you don't.

MR. FLYNN: I think it is pretty clear.

Q (By Mr. Braverman) Well, did this man have any connections with the Government?

A I really don't know.

Q Well, how did you get in touch with the Government, then?

A He invited me to his home, and the agent was there.

Q I see. Now, you also testified as to how you came to join the Communist Party, that you were getting exemptions from the draft; is that correct?

A Well, not--

MR. GREEN: I object. I don't think there was any--

MR. BRAVERMAN: That was his testimony. I will read it to you.

MR. GREEN: Please read it, then.

MR. BRAVERMAN: All right, sir.

THE COURT: I think he said something about that.

Go ahead.

W7k

Q (By Mr. Braverman) Now, were you promised that you would keep getting exemptions from the draft if you worked for the FBI?

A No, sir. I believe you misunderstood the answer there. The reason I accepted--

Q It was your answer.

THE COURT: Wait a minute.

THE WITNESS: The reason--

THE COURT: Wait a minute. I recall very well what he said in his direct examination with regard to exemptions; that he had been having an exemption from the draft. I understood that in a particular way. Apparently you understood it in a different way. Now, you can ask him questions, Mr. Braverman, as you think fair.

Q (By Mr. Braverman) Answer the last question, please.

Thank you, sir.

A Repeat it, please.

MR. BRAVERMAN: Mr. Stenographer, will you repeat the question, please?

(The last question was read by the reporter.)

A No, sir.

Q (By Mr. Braverman) Now, how much did the FBI pay you to inform?

A Paid my expense.

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Q What do you call expenses?

A Paid my telephone bill and expenses.

Q Well, explain what you mean by expenses besides your telephone bill.

A The expenses it took to attend the affairs, the money it cost me, donations, to buy literature, et cetera.

Q Did you get any compensation in addition to that?

A No, sir.

Q Did you submit receipts when you asked for your expenses to be reimbursed?

A No, sir.

Q And how much did those expenses average?

A They averaged from \$2 to \$20.

Q A day?

A No, sir.

Q What?

A A week.

MR. BRAVERMAN: Indulge me just a second.

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Q (BY MR. BRAVERMAN) Now, Mr. Benner, did you keep any notes of the various meetings you attended?

A No, sir, I wrote the notes when I got home.

Q You wrote them after you got home?

A Yes.

Q What did you do with your notes?

MR. GREEN: Objected to, if Your Honor please.

THE COURT: Let him answer if he knows what he did with them.

THE WITNESS: I dictated them to the agent.

Q (BY MR. BRAVERMAN) Did you keep copies?

A No, sir.

Q When you came here to testify, did any agent of the Department of Justice recall your notes to you or refresh your memory so that you could testify here?

MR. GREEN: Will you be a little more specific in your question?

MR. BRAVERMAN: I think it is specific.

THE WITNESS: I was asked a few questions, yes, of whether I remembered some of the things.

Q (BY MR. BRAVERMAN) Did you remember or did the agent give you back your notes to refresh your memory?

A No, I remembered.

Q Did you keep notes or take notes afterwards or make notes after you attended meetings of the International

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Workers Order?

A After, yes.

Q Did you take notes after attending Union meetings?

A No, sir.

Q Did you make notes of any other meetings besides Communist Party meetings and International Workers Order meetings?

MR. GREEN: I object to that.

THE COURT: Sustained.

Q (BY MR. BRAVERMAN) This English Speaking Lodge of the International Workers Order that you talked about, that was a fraternal lodge, wasn't it?

A Yes.

Q The lodge sold low cost insurance?

A Yes.

Q And it carried on fraternal and beneficial affairs?

A Yes.

Q Sick benefits and so forth?

A Yes.

Q Did you send off your notes or a memorandum of names of people who attended meetings and what happened at the meetings?

MR. GREEN: I object to that.

THE COURT: I do not see the relevancy of it, Mr. Braverman. The witness did, I think, yesterday, make some

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reference to such a name, organization or association. It has been referred to but it was a very slight one and I myself did not see the significance of it then, nor do I see the significance now.

MR. BRAVERMAN: I think it is relevant to the nature of this informer's activities.

THE COURT: As to the date?

MR. BRAVERMAN: As to the nature of this informer's activities, and it goes to the weight of his evidence of what he was actually doing during the entire time he was informing.

THE COURT: Of course, the expression on cross-examination that it gives or goes to the weight of the evidence is such a very general statement as to the relevancy of the evidence that it is rather hard to appraise it. I think you better ask him, if you think his statement about -- what was it, the English Speaking Union?

THE WITNESS: English Speaking Lodge.

THE COURT: What was it? Perhaps you better tell us.

THE WITNESS: The International Workers Order.

THE COURT: English Speaking Lodge of the International Workers Order?

THE WITNESS: Yes.

THE COURT: What is the significance of the ex-

pression "English Speaking"?

THE WITNESS: Different language groups all over the City.

THE COURT: Now, you belong/^{-ed}then to a group that spoke English?

THE WITNESS: Yes.

THE COURT: I suppose all of them spoke English?

THE WITNESS: Yes.

THE COURT: Did it have any relationship to the Communist Party?

THE WITNESS: In a round about way, yes.

THE COURT: What was the round about way?

THE WITNESS: Could I answer that, Your Honor, in my own words?

THE COURT: I am afraid you will have to because you are the man to answer it.

THE WITNESS: I would say that the International Workers Order is a baby or child of the Communist Party. Most of the members came from the International Workers Order.

THE COURT: And this English Speaking Lodge is just a branch of or a section of the International Workers Order?

THE WITNESS: Yes.

THE COURT: Which you say, as you express it, is

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a child of the Communist Party?

THE WITNESS: Yes, sir.

THE COURT: Now, Mr. Braverman, we have some idea of what this English Speaking Lodge is.

Q (BY MR. BRAVERMAN) The International Workers Order has about ahundred and sixty-five thousand members, doesn't it"

A Yes.

Q It sells insurance?

A Yes.

Q Does the Communist Party sell insurance?

A No, sir.

Q You testified yesterday that you met Mr. Frankfeld in 1945, is that correct?

A Yes.

Q Are you sure about the date?

A Not the exact date, no. I said 1945, the fall, the winter of 1945.

Q Suppose I told you he did not come to Baltimore until the early part of 1946, would you want to change your testimony?

A No, sir, I would not. I said the winter, between the fall and winter of 1945.

Q You want to stick to that?

A Yes, sir.

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Q You do not want to ask for an opportunity to change your testimony at this time?

A No, sir.

Q Isn't it a fact that Mr. Frankfeld was in the army throughout 1945?

MR. GREEN: I object to that.

THE COURT: Of course, you place more emphasis upon the date than I heard before. Go ahead, Mr. Braverman.

MR. BRAVERMAN: Answer the question. Your Honor, shall he answer the question?

THE COURT: Yes, if he knows. He may not know.

THE WITNESS: Repeat the question.

Q (BY MR. BRAVERMAN) Isn't it a fact that Mr. Frankfeld was in the army throughout the year 1945?

A I don't know.

Q I believe you testified this morning that at these classes taught by Mr. Frankfeld in 1949, pages in the History of the Communist Party in the Soviet Union were assigned to various persons in the class to read and they were to come back and report what they got out of those pages?

A Yes.

Q And when they came back to report, did any of these students or class members state that they got force and violence, that they thought these text books advocated

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force and violence?

THE COURT: You say did any of them?

MR. BRAVERMAN: Yes.

THE COURT: Does he know that? Would he know that?

MR. BRAVERMAN: He said they came back and reported what they got out of the book.

MR. GREEN: Why don't you ask the witness what was reported.

MR. BRAVERMAN: I am asking the questions. I did not ask Mr. Green to help me out and I do not appreciate his help.

THE COURT: If you don't want that kind of help from the other side, and it is very possible you may not, I will instruct them not to give it. However, the point of Mr. Green's comment was, as I think, your question is not a proper one.

MR. BRAVERMAN: I will rephrase it.

Lev fls 10:30

Q (BY MR. BRAVERMAN) What were the dates of these classes, Mr. Benner?

A I don't remember the dates.

Q What year?

A 1949.

Q What month?

A The early part of the year.

Q How many classes?

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A I really don't know how many classes was held.

Q How many did you attend?

A About three.

Q Do you remember what days of the week they were?

A I don't remember.

Q You don't remember the month either?

A No, sir.

MR. GREEN: I object, Your Honor.

THE COURT: Go ahead, Mr. Braverman.

MR. BRAVERMAN: Will Your Honor indulge me one minute.

Q (BY MR. BRAVERMAN) Now, did anybody teach you that these books advocated force and violence?

A That is what I gathered from the teaching of the classes and --

Q Did anybody say it to you in so many words?

MR. FLYNN: Let him finish the answer.

May it please the Court, I do not want to interject like this, and I apologize for doing it, because Mr. Green has been conducting the examination, but this witness should be given an opportunity to finish his answer.

MR. BRAVERMAN: Continue your answer. You said "that is what I gathered."

THE WITNESS: From the instructions, from the words used at these classes, the words "revolution", or

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whenever the occasion arises for the Party member to throw a monkey wrench in the gears in defense work, et cetera.

Q (BY MR. BRAVERMAN) Now, how many people were at these classes?

A Anywhere between fifteen and thirty.

Q Now, what you gathered, was this your interpretation of what you heard?

A Some was my own -- no, sir. It was words that I heard there.

Q What made you change your answer in the middle?

THE COURT: What is that?

MR. BRAVERMAN: I want to know why he changed his answer in the middle of his answer.

THE COURT: I don't hear you.

MR. BRAVERMAN: I want to know why he changed his answer in the middle. He changed his answer completely.

THE COURT: That may be a matter of argument. I didn't catch it, and I do not wish to put my interpretation on it, because that is a matter for the jury, but I don't think it is a proper statement to make in a question that the witness has changed his answer in the middle. You can ask him if he did change his answer to any question, but do not indicate that he is changing or correcting his answers in your question. You can explore that, of course, in the proper way.

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Q (BY MR. BRAVERMAN) Now, Mr. Benner, on what pages were these things taught to you? First, I want to ask you: Do you remember the name of the book?

A The History of the C. P. S. U.

Q How many books did you use?

A One.

Q Is that the only book used?

A At that class, yes.

Q You don't remember what chapters and pages was taught to you?

A First on page 1 to 15 or 16.

Q Page 1?

A Yes, sir.

MR. BRAVERMAN: May I have the Government's Exhibit which has the history in it?

THE CLERK: This (indicating) is the one. Here it is (handing the book to Mr. Braverman).

Q (BY MR. BRAVERMAN) Did you read page 1?

A Yes, sir, a long time ago.

Q All right, what does it say?

A I don't remember.

MR. GREEN: If Your Honor please, as I understood the answer to the question, the witness stated it was contained in pages 1 to 16 and I, therefore, object to questions asked him at this time without showing him the book and what is on such and such a page.

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THE COURT: Well, of course, that question is not proper, and I am referring to cross-examination, on the present line, Mr. Braverman. You must remember that you yourself brought up the witness' answer by your question. He wasn't asked that question, so far as I recall, on direct examination. You brought that out, and the witness has told you that is the impression that he got from what he was taught in this class. Now you are asking him if he remembers what is on page 1 of the book. I don't see that that has any real relevance to the case itself.

Go ahead, Mr. Braverman.

MR. BRAVERMAN: Excuse me just a minute, sir.

Q (BY MR. BRAVERMAN) Were these the only classes you attended?

THE COURT: Perhaps I should say I don't think it is proper cross-examination.

MR. BRAVERMAN: All right.

Q (BY MR. BRAVERMAN) Now, at these classes that you attended, besides the discussion of the history that you have just been referring to, was anything said about the current problems of the day?

A Yes, sir, on the last class that I attended to.

Q Only at the last class?

A Yes, sir.

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MR. BRAVERMAN: That is all, sir.

REDIRECT EXAMINATION

By Mr. Green:

Q Mr. Benner, did you know Mr. Braverman in connection with the English Speaking Lodge of the International Workers Order?

A Yes, sir.

Q Do you know whether or not he held offices in that organization?

A Yes, sir.

Q Can you tell us what that office was?

A Chairman.

Q For what period did he hold that office?

A I don't remember the exact dates, sir.

MR. GREEN: Thank you very much, Mr. Benner. That is all.

MR. BRAVERMAN: Just one question on recross, Your Honor.

THE COURT: Very well.

RE-CROSS-EXAMINATION

By Mr. Braverman:

Q That was an interracial insurance lodge; is that correct?

A Yes.

MR. BRAVERMAN: That is all.

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MR. GREEN: Step down, Mr. Benner.

(Witness excused.)

MR. FLYNN: Frank Barnickol.

Thereupon,

FRANK BARNICKOL,

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

THE CLERK: Mr. Frank Barnickol?

THE WITNESS: Frank Barnickol, B-a-r-n-i-c-k-o-l.

THE CLERK: Frank Barnickol?

THE WITNESS: Yes, sir.

DIRECT EXAMINATION

By Mr. Flynn:

Q Mr. Barnickol, what is your present employment, sir?

A Chief Clerk at the Equitable Trust Company.

Q Equitable Trust?

A Yes, sir.

Q Now, you have been subpoenaed here today to bring with you certain records of the Communist Party for the District of Columbia - Maryland. Did you bring those records with you?

A Yes, sir.

Q May I see them, please?

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A Yes (handing papers to Mr. Flynn).

Q These are records of the Equitable Trust Company?

A Yes, sir.

Q And they purport to be what, please, sir, if you will tell us.

A They purport to be the signatures on the signature card of the Communist Party of Maryland and the District of Columbia account with us.

Q All of them do refer to that?

A Yes, sir.

Q I think this is the earliest one (handing paper to the witness). Now, what is that (indicating), Mr. Barnickol? First, what is your name?

A Mr. Barnickol.

Q What is that?

A This is a form of resolution which we use in connection with an account showing what signature are authorized to sign on the account.

Q Now, that (indicating) is a resolution of what?

A Communist Party of Maryland and D. C.

Q What is the date of that, please, sir?

A August 29, 1945.

Q And who does it show was authorized to sign checks, and what are their offices?

A Checks are authorized to be signed by the chairman

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of the secretary-treasurer, and the chairman is Albert Lannon, and the secretary-treasurer is Dorothy Rose Blumberg.

Q Now, who signed that, please, sir?

A This is signed, Dorothy Rose Blumberg, secretary.

Q And does that show when the resolution was adopted?

A At a meeting held on August 19, 1945.

Q Who adopted that resolution? Just look at that, please.

A "At a meeting duly called and held on the 19th day of August 1945, any funds deposited to its credit with the bank or trust company may be withdrawn by the chairman or secretary-treasurer who are authorized to endorse and sign checks, drafts and orders for the payment of money."

Q That is signed by Mrs. Blumberg as secretary?

A Yes.

MR. FLYNN: I offer this in evidence.

("Authority of Unincorporated Organization to open Account" dated August 29, 1945 was marked Government's Exhibit 48.)

Q (BY MR. FLYNN) Now, I show you this paper and ask you what is the letterhead?

A Communist Party of Maryland and D. C.

Q Who are the officers?

A It has officers, Al Lannon, chairman, and Albert E. Blumberg, vice-chairman.

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Q Albert E. Blumberg, vice-chairman?

A Yes.

Q What is the date?

A April 16, 1946.

Q Now, will you read that?

A "At a meeting of the District Board of the Communist Party of Maryland-D.C. on March 29, 1946, it was unanimously voted that all checks issued should bear the joint signatures of Philip Frankfeld, chairman, and Dorothy Rose Blumberg, secretary-treasurer."

Q Who signed it?

A Dorothy Rose Blumberg, secretary-treasurer.

Q Does it have a seal?

A It has a seal of the Communist Party of Maryland and District of Columbia.

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

THE CLERK: Exhibit 49.

(Letter on letterhead of Communist Party of Maryland and D.C. dated April 16, 1946 was marked Government's Exhibit 49.)

Q (BY MR. FLYNN) Now, I show you this next one. Would you look at that communication and read that please, sir?

A At the top it has "Communist Party of Md.-D.C.,

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220 No. Liberty Street, Baltimore, Maryland, Wednesday,
April 20, 1949.

"To Whom it May Concern:

"The State Board of the Communist Party made the following changes at its last meeting:

"Mr. George A. Meyers was elected to replace Mrs. Dorothy Rose Blumberg as co-signer of the checks of the Communist Party of Maryland and D. C.

"Mr. Philip Frankfeld's name was retained as co-signer.

"The Communist Party of Maryland and D. C. decided that the signature of anyone of the co-signers should be sufficient to withdraw funds from its account.

"Very truly yours,

"Philip Frankfeld, Chairman,

"George A. Meyers, Secretary."

THE COURT: What is the date of that?

THE WITNESS: April 20, 1949.

Q (BY MR. FLYNN) Now, you have a signature card attached to it, don't you?

A Yes.

Q Now, would you indicate what is on that signature card or what it purports to be?

A The signature card is headed "Communist Party of Maryland and D. C." and bears the signature "Philip Frankfeld

Chairman" and "Dorothy Rose Blumberg, Secretary-Treasurer."

Q Now, on the reverse side of it, what is there?

A Our notation, "Introduced by new officers, address, 201 West Franklin Street, resolution filed April 16, 1946."

Our record shows the changed date April 16, 1946 and dated at Baltimore, Maryland April 16, 1946.

MR. FLYNN: I offer this with the other one.

THE CLERK: That is 49.

Q (BY MR. FLYNN) Now, I show you the signature card with the correspondence. Would you just read it?

A The signature card is headed "Communist Party of Maryland - D.C.," and bears the signature "Philip Frankfeld, Chairman, George A. Meyers, Secretary."

Our records make the notation "Revoke previous signatures any one of the above may sign checks."

Our notation on the back of our printed form "Introduced by trans-Communist Political Association of Maryland, address 220 N. Liberty Street."

The resolution shows "changed April 20, 1949" and it is dated that date.

MR. FLYNN: I offer this in evidence, may it please the Court.

(Letter on letterhead Communist Party of Maryland-D.C., April 20, 1949 and signature card were marked Government's Exhibit 50.)

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Q (BY MR. FLYNN) I show you this correspondence and signature card and ask you what that shows.

A This is our form of resolution in connection with the checking account, and it is addressed "The Equitable Trust Company, Baltimore, Maryland, dated November 15, 1949."

Q November 15, 1949?

A Yes.

"At a regular meeting of the District Board of the Communist Party Maryland - D. C., held on the 8th day of November 1949, at which a quorum of the members was present, the following officers were duly elected for the ensuing year and until their successors shall be elected and have qualified."

Then they list the names, and at the top it has "Philip Frankfeld, Chairman" and then it has the signature "Philip Frankfeld."

Then "George A. Meyers, Labor Secretary," and the signature "George A. Meyers" and then the name "Jean Frankfeld, Organizational Secretary, Regina Frankfeld," the signature.

"Under a resolution duly adopted by the members of the District Board, Communist Party Maryland-D.C., at a meeting duly called and held on the 8th day of November 1949, any funds deposited to its credit with a bank or trust company may be withdrawn by the chairman, labor

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secretary, organizational secretary (by any one) who are authorized to endorse and sign checks, drafts, and orders for the payment of money," signed "George A. Meyers, Labor Secretary."

Q Was there a signature card there or not?

A Yes, there is a signature card. It is headed Communist Party Maryland-D.C., bearing the signature "Philip Frankfeld, Chairman, George A. Meyers, Labor Secretary, Regina Frankfeld, Organizational Secretary."

Then our notation, "Revoke previous signatures," any one of the above to sign.

On the back it has the notation "Introduced by new officers, address 220 N. Liberty Street."

Then our record shows the change, November 11, 1949, and dated November 15, 1949.

MR. FLYNN: I offer this in evidence.

THE CLERK: Exhibit 51.

("Authority of Unincorporated Organization to Open Account dated November 15, 1949 and signature card were marked Government's Exhibit 51.)

Q (BY MR. FLYNN) Can you tell us Mr. Barnickol as to whether that account is still open in your institution, still an open account?

A Still an open account, yes.

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Q Can you tell us whether it is still being used, that is, checks being used?

A Checks are still being drawn in that account, sir.

THE COURT: Have there been any changes in the authorization of signatures in the account since April of 1949?

THE WITNESS: Yes. This is on the letterhead of "Communist Party of Maryland -- District of Columbia, 220 N. Liberty Street, Baltimore 1, Maryland, dated February 20, 1952:

"To Whom it May Concern:

"George A. Meyers and/or Roy H. Wood are authorized to issue and sign checks for the organization listed above.

"Yours truly,

"George A. Meyers, Chairman."

The signature card is headed "Communist Party Maryland - D.C." and bears the signatures "George A. Meyers, Chairman, Roy H. Wood, Chairman, D.C."

MR. BUCHMAN: That is subsequent to the date of the indictment, and I move it be stricken out.

THE COURT: Some entries were of a date subsequent to the filing of the indictment, and may or may not be admissible under different circumstances or a phase of the law of evidence. The fact that no changes were made from

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April 1949 until February of 1952 may also be a matter for consideration on some phase of the case.

Continue.

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Q (By Mr. Flynn) Will you continue reading that, please?

A "Either Chairman may sign checks," dated February 19th. "Either Chairman may sign checks."

MR. FLYNN: We offer that in evidence, may it please the Court.

THE CLERK: Government's Exhibit No. 52.

(Thereupon, letter, February 20, 1952 from Meyers addressed "To Whom it May Concern," together with authorization, was marked Government's Exhibit No. 52).

MR. FLYNN: The witness is with you.

CROSS-EXAMINATION

BY MR. WRIGHT:

Q Mr. Barnickol, did you know any of these persons personally?

A No, sir.

Q In each instance on the authorizations that you got with reference to who might properly sign the letters, did you give the full names in all instances?

A Yes, sir.

Q On no cards or no letters of authorization to sign does there appear merely a first name and a last initial?

A No, sir.

MR. WRIGHT: I think that is all.

MR. FLYNN: All right, thank you.

(Witness excused.)

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MR. FLYNN: If it please the Court, that is the Government's case.

MR. BUCHMAN: If Your Honor please, we have a series of motions in preparation that have not been completed. I would like to ask for time in which to file written motions or prepare argument on the motions, and we have been pressed for time throughout the proceedings, and we have been unable to catch our breath and we haven't been able to place ourselves in a position where we can do justice to it.

First, the motion to strike testimony of certain witnesses; secondly, the motion for judgment of acquittal as to all of the defendants and as to each of the defendants.

What we would like to do at this moment is to ask that the Jury be excused and to be given an hour or two today so that we can complete our preparation and present our argument on the motions, and then we would like to start with our case tomorrow morning, sir, and we don't anticipate a lengthy defense.

THE COURT: Do not anticipate what?

MR. BUCHMAN: We don't anticipate a protracted defense. I cannot estimate now exactly how long we will take.

(After conferring with counsel)

We will not take as long as the Government's case.

THE COURT: I was struck by your use of the word

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"protracted defense."

MR. BUCHMAN: I meant to say that it would not take a long span of time. It will not take as long as the Government's case, but at the moment we have found it very difficult to keep pace with the current necessities of the trial, so that we have not completed our motions and we have not completed our preparations for presenting our defense effectively, and an adjournment until tomorrow for the purpose of presenting our affirmative defense would be almost, I would say, an indispensable necessity, but I think we could be ready in an hour or two -- we are trying to complete our analysis of the transcripts -- to argue the motions that I have previously mentioned.

THE COURT: Well, I realize that we have had a good deal of evidence over the past nine or ten days, and I certainly want to give everybody the fullest opportunity to present whatever matters they think important in this case, either by evidence or by arguments. I am disposed to make any reasonable disposition of the matter which will serve the convenience of counsel. I realize that in your taking testimony from day to day it is very hard to do much work in the late afternoon and the evening. A young man can do that, and many, many young men have done it year after year.

Now, have you any comments or objections, Mr. Flynn, to what Mr. Buchman is asking?

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MR. FLYNN: No, sir, I have no particular objection. Of course, we are all anxious to get the matter over with as soon as we possibly can, but I can't say that I have any specific objection to giving him an opportunity -- I do know that some of the motions have already been drawn because I have already been served copies of them, but whether or not they are prepared to argue them is another thing. I do admit it takes a great deal of time in the evenings.

THE COURT: Now, what specifically are you asking in the way of a postponement as to further evidence, Mr. Buchman?

MR. BUCHMAN: If the Court please, I will say that we will be prepared to argue our motions and present our motions tomorrow morning, and then proceed.

THE COURT: You will not be prepared to present them today, later today, say, at 2:00 o'clock?

MR. BUCHMAN: I think we could file the motions later today, sir.

THE COURT: I am just wondering whether we could have the argument, such argument as you wish to make in connection with the motions this afternoon, say, at 2:00 o'clock.

MR. BUCHMAN: Will Your Honor indulge me for just one moment?

If the Court please, after conferring with my

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associates I would say this: that if we would have the remainder of the afternoon to prepare our arguments, that they would be concise and not lengthy tomorrow morning, and I think that we would save time in that way rather than making a hasty completion of our analysis of the transcript and trying to collect our points of law and present them in a disorganized fashion.

THE COURT: How long will you want for argument on the motions? My thought was that if you could start the arguments on the motions at 2:00 o'clock, we would probably give the rest of the afternoon to argument. Now, if you want to start, however, tomorrow morning and take the whole morning for argument--

MR. BUCHMAN: I don't think it would require that, sir.

THE COURT: --when would we get to the evidence?

MR. BUCHMAN: I think that one hour would be sufficient, once we became organized, would be sufficient for the arguments on motions. One hour.

THE COURT: Well, the question is do we want the Jury to report tomorrow and, if so, at what time?

MR. FLYNN: I would certainly think that we could come back tomorrow, sir. At least, I am fairly anxious to get it over with. Of course, I want to accommodate the other side if possible. If there is only going to be an argument

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of an hour it seems to me it would be -- is Your Honor going to sit all day tomorrow?

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THE COURT: Well, ordinarily Friday is motions day and criminal arraignments day. Last Friday I gave a half a day to this case and took the motions in the afternoon. Tomorrow I am not quite clear as to what will be the situation, but possibly the reasonable thing to do would be to just let the Jury go until Monday morning.

MR. FLYNN: I have no objection to that at all.

MR. BUCHMAN: It would be very helpful.

THE COURT: Is that what you would like to have done?

MR. BUCHMAN: It would be very helpful to us, Your Honor.

THE COURT: I see. Very well. Then, the Jury will be excused in this case until Monday morning at 10:00 o'clock.

I repeat, members of the Jury, the desirability and the importance and the necessity of you not discussing any phase of the case with anybody or listening voluntarily to anybody making any comments about the case during that time or out of court at any time.

So, you are excused, then, until Monday morning at 10:00 o'clock.

THE CLERK: Jury excused until Monday morning at

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10:00 o'clock.

(Thereupon, at 11:00 o'clock, a.m., the Jury left the Court room, after which the following occurred:)

THE COURT: Now, if there are any further matters before the Court today from counsel in the case, let us hear them. You prefer to have motions go over until tomorrow morning?

MR. BUCHMAN: Your Honor, I want to express my appreciation for the time, because I found myself yawning at the counsel table this morning, and I really appreciate the time to catch up on my sleep as well.

THE COURT: Well, maybe it will make up for some of the time I have not been able to meet your wishes.

Now, there is nothing further that we can do, today, is there?

MR. FLYNN: No, sir, except to inquire as to when these motions are going to be filed so that we might have an opportunity to do a little work on them, too, if any work is necessary.

MR. BUCHMAN: I think we will have them ready about 2:00 or 3:00 o'clock, sir.

THE COURT: Very well. Send a copy to Mr. Flynn's side of the case as soon as you can, and if you have more than one motion why not send them in sequence as rapidly as you have them?

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MR. BUCHMAN: Yes, sir.

THE COURT: So that he can be looking at them,
too.

Very well. We will adjourn this case, then, until
tomorrow morning at 10:00 o'clock.

(Whereupon, at 11:05 a.m., a recess was taken
until 10:00 o'clock, a.m., Friday, March 21, 1952.)

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

Maris J. Jones.

Leroy Walker

Harry W. Lewis

Charles G. Cawey

Official Reporter