

Daniel Boone Schirmer—for Defendants—Direct

authority, instructions or directions to Martha Fletcher to make any statements concerning the policy of the Communist Party of the United States?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Was the statement which I just read to you and as to which the witness Philbrick says that Martha Fletcher made, was any such statement ever a part of the teaching or advocacy of the Communist Party in Massachusetts during the period that you have been supervising the educational (T-10,044) work of the party in that area?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you in your capacity, Mr. Schirmer, as supervisor of the Party's educational work during the period testified to by Philbrick, that is, the early part of 1948, give any instructions or suggestions or authorization to Martha Fletcher or to anyone else to make the statement which I just read to you from the record?

Mr. McGohey: Objection.
The Court: Sustained.

Q. In March 1947 when you ceased to be educational director for a while, what was your next full time post with the Party in the Massachusetts area? A. I was legislative representative for the Communist Party of Massachusetts.

Mr. Crockett: May I go back one moment, your Honor?
The Court: Yes.

Q. Do you have any knowledge of any class conducted by Martha Fletcher during the period testified to herein by the witness Philbrick, January, February of 1948? Was any such class scheduled with you? A. It was not.

Q. Was the policy of the Party in the Massachusetts (T-10,045) area and of your office particularly to know

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what classes and what discussions were going on in the clubs in the Massachusetts area?

Mr. McGohey: Objection.

The Court: I simply don't know what it could mean if he said yes or if he said no, Mr. Crockett; so I will sustain the objection. It is like so many of these questions; it has in it inferences, hypotheses, assumptions of fact, mental operations that leave an answer without meaning.

Q. I believe you just testified that you were a legislative representative for the Communist Party in Massachusetts? A. I was.

Q. And when did you become legislative representative? A. In or around March of 1947.

Q. Was that an elective or an appointive position?

The Witness: Excuse me. Excuse me. It was before that. It was before that.

Q. Do you recall when it was? A. I recall it as February 1947.

Q. Can you fix the exact date? A. No, I cannot.

The Court: Do you want to change the time that you ceased to be educational director for Massachusetts?

The Witness: No, sir.

The Court: That was March 1947?

(T-10,046) The Witness: That is right.

Mr. Crockett: May I have this marked for identification, please?

(Marked Defendants' Exhibit 9 x I for identification.)

Q. Mr. Schirmer, did you continue as legislative representative for the Communist Party in Massachusetts from the time of your appointment down to July 20, 1948? A. I did so.

Q. Will you tell us briefly what your duties were? What was the nature of the duties performed by you as Massachusetts legislative representative of the Communist

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Party during that period, from your appointment down to July 20, 1948?

Mr. McGohey: Objection.

The Court: I will allow a brief statement. I take it it was having to do with bills presented in the Legislature and doing what you could to have those passed that you thought should be passed? Is that in substance what it is, Mr. Schirmer?

The Witness: Yes.

Q. What was the first duty performed by you?

Mr. McGohey: Objection.

The Court: What was the question?

Mr. Crockett: I asked him what was the first (T-10,047) duty he performed as legislative representative.

The Court: Well, you know, with these things, we come up against the same proposition again and again. We had it with Mr. Davis only a little while ago. I want to give the defense an opportunity to show briefly the various things that they did, that they claim show that they were a legitimate political party and not at all engaged in the conspiracy that is alleged in the indictment.

Now, if I permit people to go on about that, about every step that they did in connection with their legislative duties, for example, why, we would never be through with the case, and its bearing on the case is only peripheral anyway.

Mr. Crockett: It is not my—

The Court: I don't want to stop him from making a brief statement as to what he did as legislative director, but when you ask him what he first did, naturally, I think you are going to ask him what he next did—

Mr. Crockett: No.

The Court: —and what he did after that, on all the various bills as they came up. And I will permit him to make a brief statement of what he did as legislative director, and I am not going to permit, as to

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specific things, whether he was for this bill or that bill and get (T-10,048) all those details, merely because I think it is cumulative and unnecessary.

Mr. Crockett: All I am asking for, your Honor, is this brief statement, to give the jury and give us an idea of how he functioned as legislative representative.

The Court: You may ask him, or I will ask him—you may do it, if you prefer—and you will hear his brief statement as to what he did as legislative director of the Communist Party of Massachusetts at the time referred to.

You go right ahead.

By Mr. Crockett:

Q. Go right on. A. I registered with the State officials, as provided by the State law, as a legislative representative of the Communist Party, and then I taught and advocated the necessity, from the Marxist-Leninist viewpoint, of the passage of legislation beneficial to the people and the necessity for opposing the legislation which we felt furthered the interests of the banks and the big corporations. I did this by appearing at legislative committees, interviewing representatives and Senators to bring our point of view to the members of the General Court, elected officials, including the Governor, and I did this by bringing the position of the Communist Party on legislation to the broad general public, (T-10,049) issued a legislative bulletin regularly, radio broadcasts, public meetings, leaflets and so on.

Q. I show you Defendants' Exhibit 9 x I for identification, and ask you if you recognize this to be a photostatic copy of the—of a record registering persons qualified to act as legislative representatives before the Legislature of Massachusetts?

Mr. McGohey: Objection.

The Court: I will sustain the objection, but if you want to offer the paper in evidence I will consider it as though it has been identified.

Mr. Crockett: I offer it.

The Court: I take it that is all you want to do?

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Mr. Crockett: That is right. I offer it.

Mr. McGohey: Objection.

The Court: Well, he has already testified that he did register and I take it that is the basis of your objection, Mr. McGohey. Am I right about that?

Mr. McGohey: Yes, your Honor, that having been testified to, the record of his registration, I think is immaterial to the case.

The Court: Well, it is not a matter of great importance. I am disposed to allow it because I want to give the defense an opportunity to get before the jury the situation as to what they claimed to be, a legitimate (T-10,050) political party, and while this is cumulative, it is only slightly so, and I will allow it.

(Marked Defendants' Exhibit 9 x I in evidence.)

Q. I believe you testified, Mr. Philbrick—Mr. Schirmer, I am sorry,—that your duties, as educational director included the supervision of the preparation of leaflets. Did you have any duties as legislative director in connection with leaflets and the distribution of leaflets for the Communist Party in Massachusetts? A. Yes.

Q. What was the nature of your work in that connection? I believe you mentioned putting out a legislative bulletin, is that right? A. Yes.

Q. Was there in any other—briefly tell us how you kept the membership of the Party in Massachusetts informed as to what was happening in the legislature, both State and National.

Mr. McGohey: Objection.

The Court: I thought he had already done that, Mr. Crockett.

Mr. Crockett: No, he mentioned—we may differ on this, your Honor. As I interpret what he said, he only took one side of it, how he carried the membership's point of view to the legislature. Now I want to know how (T-10,051) he got the legislature's action and so forth—

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The Court: No, but he said some literature was issued.

Did you issue literature from time to time in addition to the bulletin?

The Witness: Yes.

Q. Did you do anything else? A. Yes.

Q. Will you tell us what? A. I spoke to meetings at the clubs and acquainted them with the legislative issues, helped to secure their support behind the housing bills we were interested in, the bills to strengthen democracy, such as the increased appropriation for FEPIC and so on.

Q. I should like to call your attention to the testimony of the witness Philbrick, page 3098—

Mr. Crockett: If the Court wil pardon me, one minute?

Q. —to the effect that certain leaflets issued by the Communist Party in Massachusetts were for public consumption, and I ask you if during the period that you have been supervising the production and distribution of leaflets in Massachusetts, and particularly down to—or limiting it, rather, down to July 20, 1948, there has ever been published and circulated by the Party in that area any literature, whether printed or mimeographed or otherwise, that was restricted to Party members only (T-10,052) and was not available to the general public? A. No, there has not.

Q. Now I call your attention to page 3141 of the record of the testimony of the witness Philbrick—

Mr. Crockett: May I have Defendants' Exhibits QQ, OO and PP for identification?

The Court: Did you say you knew Philbrick?

The Witness: I did not say that, your Honor.

The Court: Well, I ask you now, do you know him?

The Witness: I do.

Q. (Continuing) At page 3141 of the record, Mr. Schirmer, in the course of my cross-examination of the witness Philbrick, I asked the following question:

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“Q. I show you, Mr. Philbrick, Defendants’ Exhibit QQ for identification, OO for identification and PP for identification. I would like to have you examine them and tell me if you recognize either one or all of those as leaflets put out by the Communist Party of Massachusetts?”

And Mr. Philbrick answered,

“Well, I remember the Negro History Week leaflet. That was one that I produced—that was one I produced for Boone Schirmer.”

And I hold in my hand here Defendants’ Exhibit PP for identification and show you this leaflet, and I ask you, in connection with the following additional testimony, (T-10,053) after the statement, “Well, I remember the Negro History Week leaflet. That was one I produced—that was one I produced for Boone Schirmer,” and the reporter said, “How do you spell that?” and the witness said, “B-o-o-n-e S-c-h-i-r-m-e-r,” “I am not at all sure as to the spelling.”

“The Court: That is PP for identification, is it not?

“The Witness: That is for identification PP.”

And that is the exhibit you have before you now, I believe, Mr. Schirmer; is that right? A. Yes.

(T-10,054) Q. And the question:

“That is one you put out? A. Yes. I remember, as I say, speaking with Boone Schirmer concerning that one.

“Q. And it was circulated in Boston? A. Yes, it was.

“Q. By the Party?”

And the answer is “Yes.”

And I ask you whether or not the witness Philbrick produced that leaflet for you or spoke with you concerning that leaflet? A. No, he did not and could not, because in February 1946—

The Court: Now Mr. Schirmer, let me make a little suggestion to you. We have had a good many people here who are sufficiently intelligent, it seems to me to answer a question without going into di-

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gressions. Now you answered the question that was asked you and then you proceeded to volunteer by putting in other explanatory material and I tell you to stop that.

Strike out the latter part of the answer.

Mr. Crockett: May I inquire which part is being stricken?

The Court: If the reporter will read it I think it will be very readily apparent.

(Record read as follows:)

“No, he did not”—

(T-10,055) The Court: Stop there. That is the answer to the question. Now read the rest of it.

(Record read.)

The Court: That is the additional part that was brought in by the heels and that is the part that I struck out.

Do you understand my direction, Mr. Schirmer?
The Witness: I do.

Q. Are you familiar with Negro History Week celebrations, Mr. Schirmer? A. I am.

Q. When are they held?

Mr. McGohey: Objection.

The Court: When are what held?

Mr. Crockett: Negro History Week celebrations. I might very well ask the Court to take judicial notice of it. I thought I would bring it out better by asking the witness.

The Court: Is there some regular time each year, Mr. Schirmer, when Negro History Week is held?

The Witness: There is.

The Court: When is that?

The Witness: That time is around the birthdays of Abraham Lincoln and Frederick Douglass.

Q. Is that in the month of February? A. That is.

Q. And the Exhibit PP for identification which is (T-10,056) before you, and the testimony of the witness

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Philbrick—well, no, the witness Philbrick does not mention the date.

Does that exhibit refer to the date? A. It does.

Q. What date does it indicate?

Mr. McGohey: I object to it. The exhibit is not in evidence. If the witness wants to testify from his recollection the Court has permitted him to.

The Court: Yes, I will sustain the objection.

Mr. Crockett: I think Mr. McGohey is correct. It is not in evidence. I should like to offer it at this time.

Mr. McGohey: I renew my objection to this, your Honor.

The Court: Sustained.

* * *

Q. Mr. Schirmer, will you tell the Court and the jury where you were in February 1946?

Mr. McGohey: Objection.

The Court: I will allow it.

Mr. McGohey: If the Court please, I—

The Court: I understand the purport of your objection, Mr. McGohey. I think it is that there was no testimony by Mr. Philbrick that this happened at (T-10,057) this particular time.

Mr. McGohey: Exactly.

The Court: I am aware of that but I will nevertheless let the witness testify as to where he was at that time.

A. I was with the United States Army at the training school of the 88th Division in Venice in capacity as orientation lecturer to 400 troops.

Q. So that you could not have been in Boston and you could not have spoken to the witness Philbrick?

Mr. McGohey: I object to that. It is perfectly clear that there is nothing in the Philbrick testimony and there is nothing in this exhibit which fixes that date as February 1946.

The Court: Mr. McGohey, I can't help smiling and you are quite right and Mr. Crockett does pro-

Colloquy of Court and Counsel

ceed as though Mr. Philbrick had testified that way; whereas I have just been glancing at the testimony referred to and it is not to that effect.

What is the point of that unless Mr. Philbrick testified that it was February or March of that year? What difference does it make where this witness was?

Mr. Crockett: Mr. Philbrick testified this was the Negro History Week pamphlet on which he worked with the witness Mr. Schirmer.

(T-10,058) The Court: Yes, but he didn't say when.

Mr. Crockett: The pamphlet itself says it was Negro History Week.

Mr. McGohey: If the Court please, now we are getting into that same thing about asking the witness about an exhibit not in evidence and we are having a statement by counsel, which is getting pretty close to stating what is in an exhibit not in evidence.

The Court: Well, he hasn't come quite close enough.

Mr. McGohey: The implication is thrown out to try to make this jury believe that he had a conversation with Mr. Philbrick in February 1946 and there isn't a suggestion or a scintilla of evidence to justify that assumption.

Mr. Crockett: If the Court please, this is the defendants' exhibit PP for identification, so marked. I turn to page 3141 and I read—

The Court: That exhibit is not in evidence.

Mr. Crockett: It is not in evidence but it is identified.

The Court: Yes.

Mr. Crockett: And let me read:

"I show you Mr. Philbrick, Defendants' Exhibits QQ for identification, OO for identification and PP for (T-10,059) identification. I would like to have you examine them and tell me if you recognize either one or all of those as leaflets put out by the Communist Party of Massachusetts."

Colloquy of Court and Counsel

Mr. Philbrick answered:

"Well, I remember the Negro History Week leaflet. That was one that I produced—that was one I produced for Boone Schirmer.

"The Reporter: How do you spell that?"

And then he spells it. Then the Court—

The Court: We have just been all over that.

Mr. Crockett: This is the point. Then the Court says:

"That is PP for identification."

That refers to Negro History Week.

And the witness said:

"That is for identification PP."

So Mr. McGohey is wrong when he says there is no identification.

Mr. McGohey: My point is not that Philbrick did not identify PP but there is no suggestion or scintilla of evidence that the preparation of PP occurred at the time that is now suggested or that there was any conference in 1946 between this witness and the witness Philbrick.

The Court: All right. Now what I say is that I am going to let him answer the question and I (T-10,060) hope we won't have any more argument until the time at the end of the case when argument is appropriate. That is what I said in the first place and that is what I say now.

So I am going to let him answer and we will have the reporter gradually find his way back to the place in the record and read it to the witness.

Mr. Crockett: I think the witness answered the question. He said he was over in Italy lecturing to 400 troops.

The Court: And there hasn't been any additional question?

Mr. McGohey: There was a subsequent question, something to this effect, according to my notes: So therefore you couldn't have talked to Mr. Philbrick in 1946? That is what I objected to.

Colloquy of Court and Counsel

The Court: Any question of that sort is objectionable. If I haven't passed on it I pass on it now. But I allowed him to testify where he was in February or March of 1946, and the answer is he was in the Army and over in Venice.

Mr. McGohey: And there was no objection by me to that question or its answer.

By Mr. Crockett:

Q. Now I believe you testified that you entered the (T-10,061) Army in 1944, is that right? A. I did so testify.

Q. Do you have with you your discharge certificate or photostatic copy of the same? A. I do.

Q. May I see it?

(The witness hands to Mr. Crockett.)

Mr. Crockett: If the Court please, I should like to offer this in evidence with permission to withdraw it after reading pertinent portions of it to the jury.

Mr. McGohey: I object to it.

The Court: You mean you object to his withdrawing it after it is read?

Mr. McGohey: I object to the introduction of it as an exhibit in this case. I think the question of whether this witness was discharged from the Army is of no materiality whatever.

Mr. Crockett: I haven't asked the witness whether he has been discharged from the Army, Mr. McGohey.

Mr. McGohey: Whatever the purpose was the paper indicating his discharge in my opinion is neither relevant nor material to the issues in this case. I object to it.

Mr. Crockett: May I be heard on that?

The Court: Yes.

Mr. Crockett: The witness has testified that he was out of the country during the period concerning which there has been testimony by the witness Philbrick.

(T-10,062) Mr. McGohey: Now there we go back again. Now there is no statement that the wit-

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ness Philbrick has testified to this period, this 1946 period, and again I call your Honor's attention to the record. He did not testify—

Mr. Gladstein: If your Honor please,—

The Court: Mr. Crockett,—oh, now we have Mr. Gladstein. The jury is excused.

Mr. Gladstein: I think Mr. McGohey ought not to make references of that kind when he knows the exhibit talks about Negro History Week.

Mr. McGohey: There we go again.

The Court: The jury is excused, Mr. Gladstein.

Mr. McGohey: You have no right to do that. You know, it is not in the record.

The Court: Just a moment. Let the jury go out.

Mr. Gladstein: Mr. McGohey and your Honor are both shouting at me at the same time.

Mr. McGohey: Your Honor, there hasn't been any shouting. If there has been any it was by our friend.

The Court: If I did any shouting I am certainly not conscious of it, my goodness. But Mr. Gladstein will always state the facts in his own inimitable fashion. He has been wrong so often I suppose one more time won't hurt.

(T-10,063) (The jury left the court room and the following occurred:)

The Court: What is it that provoked you so, Mr. Gladstein?

Mr. Gladstein: The first thing is your Honor's last remark that I have been wrong in my statement of facts so often and here is another occasion.

The Court: Would you like me to enumerate them?

Mr. Gladstein: I will accept your Honor's ruling on it made heretofore on the basis of the determination here now.

My objection was to what Mr. McGohey was saying before the jury that he was seeking to give and did try to give the impression that Mr. Crockett was trying to create out of whole cloth the proposition that Philbrick lied when he said that he had worked for or prepared with this witness a certain leaflet.

Colloquy of Court and Counsel

The Court: But as you not only tried but deliberately did make the statement that the exhibit which has not been received in evidence contained the numerals 1946. I heard that myself.

Mr. Gladstein: I made that statement and it is a true statement.

The Court: The rule of law for attorneys to abide by is not to tell the jury things in exhibits that (T-10,064) are excluded from evidence. You seem to feel that you are not bound by the ordinary rules of evidence.

Mr. Gladstein: I don't see how your Honor can say that. I rose to ask the Court to instruct Mr. McGohey to submit to the ordinary rules of evidence.

The Court: And you felt the way to do it was to take the law in your own hands and tell the jury what was in it.

Mr. Gladstein: I thought your Honor was excusing the jury to permit me to state my point and now as I started to state it I have had three or four interruptions by the Court.

The Court: You seem to feel interruptions by the Court are illegal and wrong and when you and your colleagues are in a case you are to do all the talking and I am to remain silent. I haven't the remotest intention of doing that.

Mr. Gladstein: No, no, and I didn't have the remotest conceivable idea of doing that. Just as we are bound by the rulings of the Court not to refer to the contents of an excluded or not yet admitted exhibit as a fact, so it is the duty of Mr. McGohey not to make speeches which give the impression that something is not contained in the document that we by obvious implication have been claiming is contained in it. In other words, the rule works both (T-10,064-A) ways. If we cannot speak as to what is in the document neither can Mr. McGohey attempt to imply that something is not in the document that is there.

(T-10,065) The Court: That is what I don't think he did.

Colloquy of Court and Counsel

Mr. Gladstein: I think he did and I think the record clearly supports that not only by what he did but the manner in which he tried to indicate that the time was not there when the document plainly says so. It talks about Negro history week.

The Court: Where does that leave us? As I see it, it leaves us at the point where it is better to go on with the interrogation of the witness with both sides refraining from referring to what is in the document or what is not in the document. Then when the time comes when it is re-offered, that is one thing. When the time comes when it is offered and rejected, if it is, that is another thing. But all these comments that we have been so free from while you were away, Mr. Gladstein, it seems as though they are starting again, and I really think you will serve your clients best by just having us go along quietly and calmly.

Mr. Crockett: If the Court please, I had offered this certificate as documentary proof of where the witness was at the time he testified.

The Court: That document is absolutely inadmissible. I won't hear any argument. If you have one of the defendants whose intent is involved, his military record is material. And that comes in every (T-10,066) time.

Mr. Crockett: It is not intent that I am trying to show.

The Court: You bring a witness who is not a defendant and then want to offer his discharge from the Army. I can't see that.

Mr. Crockett: May I offer that portion of the discharge record which indicates where that witness was during the month of February 1946?

Mr. McGohey: Objection.

The Court: You object to it?

Mr. McGohey: I do.

The Court: I sustain the objection.

Now let's have the jury back.

(The jury returns to the courtroom.)

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By Mr. Crockett:

Q. I think you testified, Mr. Schirmer, that in February of 1946 you were stationed with the armed forces in Italy, is that right? A. I did.

Q. How long had you been in Italy at that time? A. Since March of 1945.

Q. Now on page 2804 of the transcript, Mr. Schirmer, the witness Philbrick testified that—and I quote—

* * *

(T-10,067) Q. (Continuing) —the witness Philbrick said that today large sections of the Party are underground, the professional group has always been underground. And I ask you if during the period subsequent to your return from the Army and down to July 20, 1948, there was any section or club of the Communist Party in the Boston area which was underground? A. No.

The Court: You know what that means, do you, Mr. Schirmer, being underground?

The Witness: I know.

Q. What does that mean to you, Mr. Schirmer? A. It means to work in a clandestine manner.

Q. Now did you or did anyone else to your knowledge receive or transmit any instructions to any Communist Party club or group or individual that he or she should go underground?

Mr. McGohey: Objection.

The Court: Sustained. I will receive any instructions he says he gave.

Mr. McGohey: That the witness gave.

Mr. Crockett: But he didn't give any. The purpose of the question is to find out whether he did or not.

(T-10,068) The Court: Does anyone claim that he did?

Mr. Crockett: I didn't understand you, your Honor.

The Court: Does someone claim that he did give such instructions?

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Mr. Crockett: No, no one claims that. I just didn't want to leave the implication that I got from your Honor's question.

Mr. McGohey: I object.

The Court: I don't think we need any argument. It seems to me clear that his testimony is that no part of the Party is in any way underground to his knowledge in the period referred to.

Q. At page 2631 of the record the witness Philbrick stated that there were two mobilizations of Communist Party members in the Boston area. He stated that one was during July of 1948 and the other was in August of 1948.

* * *

Q. (Continuing) Now I ask you what if any mobilizations were sponsored or participated in by the Communist Party in the Boston area in the year 1948? A. There were two mobilizations.

(T-10,069) Q. When were they? A. One was in January '48 and one in May '48.

Q. Was there any in August '48? A. Not to my recollection.

Q. Was there any in July of '48, as the witness Philbrick testified? A. Not to my recollection.

Q. Will you tell us what is a mobilization?

Mr. McGohey: Will you wait just a minute?

Mr. Crockett: I will be glad to wait. I will even give you the page.

The Court: They are so many pages of argument and objections here, I cannot find where the answer comes.

Mr. Crockett: If your Honor will look at page 2631, near the bottom, I think you will see a question by Mr. Gordon, "In what state did these mobilizations take place? A. In Massachusetts."

The Court: Yes, but you asked—

Mr. Crockett: What time?

The Court: —"What is a mobilization?"

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Mr. Crockett: That is the last question.

The Court: And that is just the same question I see addressed to Mr. Philbrick, and I have read several pages of objections, discussion, argument, and so on, but I suppose what Mr. Philbrick said is not important on that.

(T-10,070) Mr. Crockett: No; we ought to try again. Mr. McGohey, as I understood it, was looking for the date and the place in the record, is that right, where the time was fixed for mobilization.

The Court: So it is the time—

Mr. McGohey: And that is the one you gave me, Mr. Crockett. It was my impression there was another one. I wanted to check.

The Court: All right; it is just the time that you were looking for.

Mr. Crockett: Then I asked him, "What is a mobilization?"

Mr. McGohey: Objection.

Mr. Crockett: Has the Court ruled on the question, "What is a mobilization?"

The Court: I take it you mean a mobilization in the Communist Party in Massachusetts in the time that he was active there?

Mr. Crockett: That is right.

The Court: I will allow it.

A. A mobilization is a gathering of persons to inform them of the need for activity and to explain to them programs which they can carry out on behalf of the purpose. This term was common during the war in connection with the War Bond sales.

(T-10,071) Q. Did you, in your capacity as supervisor of the educational activities of the Party or in your capacity as legislative representative of the Party, participate in the arrangements of the—for the two 1948 mobilizations, which you testified were held in the Boston area? A. I did.

Q. Will you tell us about each of these mobilizations, what they were for, how they were organized and how they were carried out?

The Court: You were in charge, weren't you?

The Witness: I was.

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A. The circumstances around the mobilizations were as follows: In January of 1948 the Mundt-Nixon Bill was before Congress, nationally, and in the State of Massachusetts there were seven bills before the Legislature directed against the Communist Party. That is the circumstances of the first mobilization.

The circumstances of the second mobilization was the passage of the Mundt-Nixon Bill by the House of Representatives in May of 1948.

The manner in which the mobilizations came about: meetings—a meeting of leaders of the Communist Party in the Boston area was called and at this meeting, which was held—I remember neither—neither of the two places in which these meetings were held, but for these (T-10,072) mobilizations to continue, meetings of the leading people in the Boston area were called and I addressed these meetings.

I will give the substance of my remarks at the first mobilization.

In general, the substance of my remarks was the same at the second—

Mr. McGohey: I object to the remarks, your Honor, as being immaterial.

The Court: Do you need the remarks, Mr. Crockett?

Mr. Crockett: We can omit the remarks.

The Court: All right.

Mr. Crockett: You see, I am trying to be cooperative.

Q. Have you completed your answer?

The Court: Do you think you can remember the question and go on without giving us the remarks, Mr. Schirmer?

The Witness: I am sorry, I don't believe I can.

The Court: Then let us have the remarks.

Mr. Crockett: Very well.

A. (Continuing) I addressed the gatherings, and, as I said, I will give the substance of my remarks for the first, which is fairly identical with the remarks I (T-10,073) made at the second.

I pointed out that we Communists felt that the passage of the Mundt-Nixon Bill nationally, or of these seven bills

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in our State would comprise the outlawing of the Communist Party, and that therefore we were opposed to these bills not only, or not mainly even as Communists but because our understanding of Marxism-Leninism or of the experience of the working people the world over in recent years—our understanding of this experience brought us to the conclusion that the outlawing of the Communist Party was only the first step in the destruction of the liberties of the general population in any modern nation, and I pointed to the examples of Italy and Germany where the big monopolists and bankers had first outlawed the Communist Party and then proceeded to destroy the liberties of the people and set up fascist regimes, doing away with trade unions and other such organizations in the people's interests, and I pointed out that therefore we were opposed to these bills because they were a threat to American democracy, and that was the first and the main reason why we were opposed to them.

I then proceeded to outline a program which was generally agreed upon, first of all, that we should secure funds for the purpose of radio broadcasts, advertisements in the newspapers, leaflets, etc., acquainting the (T-10,074) general public with what we consider the dangers inherent in these bills, and that to secure these funds we should ask members of the Party and the general public to contribute. Secondly—

The Court: Remember, this is mobilization that you are explaining to us.

The Witness: Yes, sir.

A. (Continuing) Secondly, I called upon the Party members to organize visits, telephone calls and delegations to their Representatives and Senators in the State and to the national members of Congress, acquainting—acquainting these elected representatives with their sentiments.

Q. This was the purpose of the mobilization? A. This was all in connection with the mobilization, yes—and, finally, I urged that all Party members should get their neighbors, friends and acquaintances, fellow workers in the shops to let their elected representatives know that they did not feel that these measures were in the interests of American democracy.

* * *

(T-10,075) (Recess to 2.30 p. m.)

Colloquy of Court and Counsel

(T-10,076) AFTERNOON SESSION

(The Court and clerk confer.)

The Court: Is Mr. Gladstein coming back, Mr. Crockett?

Mr. Crockett: Did the stipulation this morning cover Mr. Gladstein's absence?

The Court: I will look at it. I haven't seen it yet.

Mr. McGohey: It doesn't. My recollection is that just Mr. Sacher, Mr. McCabe and Mr. Isserman are covered.

The Court: Yes, and Mr. Gladstein is the one designated to act for those who are excused. I imagine he must be planning to be here any moment.

Mr. Crockett: That is my expectation. I will be glad to go out and telephone; see if I can locate Mr. Gladstein.

The Court: Well, I can't imagine that it is necessary to do that. I think it must be that it is merely some temporary delay of a moment or two. Suppose you inquire for a moment the disposition to proceed upon the assumption that he will be here in a moment or two and I will just await the result of your talk.

Mr. Crockett: (After conferring with defendants) It is agreed, if the Court please, that we might proceed (T-10,077) in Mr. Gladstein's absence.

The Court: So that I gather that those defendants who have in this stipulation designated Mr. Gladstein in lieu of their attorneys will during his absence today designate you?

(Defendants nod.)

Mr. Crockett: That is agreeable.

The Court: I notice that all of the defendants indicate their acquiescence on that, and I think on that basis we will go ahead and he will be in in a moment or two.

So you may proceed, Mr. Crockett, and I will make the usual statement here.

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Let the record show that the jury is present, and the defendants and the attorneys for the defendants with the exception of Mr. Sacher, Mr. Isserman and Mr. McCabe, Mr. Gladstein also being absent, and the matter as to all of them being covered by written stipulation signed and filed and the oral stipulation just noted on the record, and the attorneys for the Government are present.

DANIEL BOONE SCHIRMER, resumed the stand.

Direct examination by Mr. Crockett:

Q. At the time we adjourned, Mr. Schirmer, I think (T-10,078) you were telling us about the two mobilizations in 1948. Had you completed your description? A. Well, to summarize, the mobilizations were the gathering of all our resources to carry on a public mass campaign for the defeat of these measures which we viewed as undemocratic and the campaign which we should carry on in co-operation with as many other groups as we could, trade unions, church groups, and so on.

Q. Do you know any of the eleven defendants, Mr. Schirmer? A. I do.

Q. Do you know Mr. Gates? A. I do.

Q. Have you ever had occasion to hear Mr. Gates speak? A. I have.

Q. Will you tell us when and where it was? A. It was in Washington, D. C. at an encampment of Communist veterans. The precise date escapes me. I believe it was in 1947.

Q. In the course of that speech did Mr. Gates at any time advocate the overthrow of the Government of the United States by force and violence? A. He did not.

Q. Did anyone at that conference and in your presence advocate the overthrow of the Government of the United States by force and violence?

Mr. McGohey: Objection?

Q. Did you perform any function in connection with that conference? A. I did.

(T-10,079) Q. Will you tell us what you did in connection with that conference and when it was?

Colloquy of Court and Counsel

Mr. McGohey: Objection.

The Court: Didn't we hear from Mr. Gates as to that, Mr. Crockett?

Mr. Crockett: We heard from Mr. Gates as to the conference as a whole and as to the part that Mr. Gates himself played in the conference, your Honor, as I recall.

The Court: Well, you know, I have tried here to let these different matters that the defendants want to get before the jury come before them in really much more detail than I had at first anticipated.

Mr. Crockett: I can withdraw that question.

The Court: And the view that I had about the veterans feature was that I had given Mr. Gates so much leeway on that, and I did it because I thought, here was a chance to get before the jury, really, all that was material and necessary to the defendants with respect to the veterans, and so it was with some of these other things, like the fight for Negro rights and so on, and I am not disposed to have this witness merely go over again what Mr. Gates said, not because I think it has no materiality but because its materiality is not of the essence of the case but, as I have described it previously, as the peripheral.

Now, I will hear what you have to say about this (T-10,080) particular part but it seemed to me that the position of the defendants as to the veterans was very amply covered.

Mr. Crockett: Well, I can withdraw that question, with the Court's permission, and, I think, bring out my point a little clearer and without taking as much time.

The Court: That is, I take it, you are telling me that it is not something particularly with reference to veterans that you are talking about; it is some other point you are desirous of bringing out?

Mr. Crockett: It is something with reference to veterans. We want to refer to Mr. Gates' testimony. I think in the course of that testimony he mentioned being at that conference and on the delegation to wait on the Secretary of State.

That is correct, isn't it, Mr. McGohey?

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Mr. McGohey: I do not have the reference.

The Court: If that is what it is, I really cannot see that I could permit this without opening the door so wide to a multitude of these details. It isn't that I want to restrict the defense. Indeed, I have passed on the assumption of just the opposite to that, to give them every reasonable leeway, but here we are in the seventh month of the trial, and if we get into these things, we are bound to strike some of them that turn out to be (T-10,080-A) controversial and to lead us away from the essence of the case, and I think perhaps you will do well passing on to something different.

Mr. Crockett: I will do that.

(T-10,081) Q. Mr. Schirmer, in connection with the performance of your duties as Educational Director in the Massachusetts District, did you ever have occasion to consult with the defendant Mr. Stachel, my client, Mr. Jack Stachel? A. I did.

Q. Will you tell us when that consultation occurred? A. Again I cannot remember the precise date. I'd say it was some time around the end of November, the beginning of December, 1946.

Q. And where did it occur? A. In the offices of Mr. Stachel.

The Court: '48 this is?

The Witness: No, '46.

The Court: '46.

The Witness: Yes.

Q. Was that shortly after your return from the Army? A. Yes.

Mr. McGohey: Pardon me, your Honor, I did not hear the answer. My recollection is—I just wanted to check it—the end of 1946 or the early part of 1947.

The Court: The end of November or the beginning of December.

Mr. McGohey: Oh.

The Court: In 1946.

Mr. McGohey: Of 1946.

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(T-10,082) The Court: At the offices of Mr. Stachel, I take it—in New York?

The Witness: That is correct.

Q. Now what if any position did Mr. Stachel hold with the Communist Party at that time, do you know? A. Well, as I remember he was in charge of education nationally for the Communist Party.

Q. And was it in connection with the educational work of the Party in Massachusetts that you went in to talk with Mr. Stachel? A. It was.

Q. Now will you tell us what the conference was between you and Mr. Stachel? A. Well, it was a conference at my request to go over the program which we should develop for education in Massachusetts. I remember one—

The Court: Keep your voice up.

The Witness: Excuse me.

A. (Continuing) I remember one of the main points of this discussion was the reference of Mr. Stachel to the ever-present need of us, those who are in need of education, to link education with the needs of the people and with the fight for the people's needs. And this was where I took the direction and where I got the understanding and where I developed with Mr. Stachel this point which I brought back and helped to develop in the work of the Massachusetts Party in connection with developing campaigns (T-10,083) on housing, to bring the Communist position on housing to the widest numbers of people so that they would know what our position was, so that they would be involved in activity to benefit their needs, and in this way learn—learn political lessons through activity and through unification of their resources and of their efforts for their immediate needs.

Q. Did Mr. Stachel, in the course of that conference, say anything to you about overthrowing the Government of the United States by force and violence?

Mr. McGohey: I object to the form.

The Court: I will allow it.

A. No, he did not.

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Q. Had you had occasion to be present when any of the other defendants spoke or were in conference, with you present? A. Yes.

Q. Which defendant? A. I also heard Mr. Dennis.

Q. Now when was it that you heard Mr. Dennis? A. Also at the veterans encampment.

Q. That was in Washington, D. C., I think you said? A. That was.

Q. Did Mr. Dennis in the course of his speech to that encampment advocate the overthrow of the Government by force and violence?

Mr. McGohey: I object, if the Court please.
(T-10,084) I would like to be heard.

The Court: Yes, Mr. McGohey, I will hear you.

Mr. McGohey: Beg your pardon?

The Court: I will hear you.

Mr. McGohey: My objection goes to the form of the question.

The Court: It is the conclusory part of the question that you object to?

Mr. McGohey: That is it indeed, your Honor.

The Court: Yes.

I think he is right about that, Mr. Crockett. You see, when you ask a question like this you are really calling for an interpretation by the witness. He might have heard Mr. Dennis say certain things which he interpreted one way, or interpreted another way, and when you ask him a question like that it is really calling for his mental operation, his interpretation of what he heard Mr. Dennis say, so I am going to sustain the objection.

Q. Have you heard any of the other defendants speak in the course of any conference at which you were present? A. Yes, I heard Mr. Thompson.

Q. Will you tell us when it was that you heard Mr. Thompson? A. Again it was at the veterans encampment.

Q. Have you heard any of the other defendants speak?

The Court: Let me see if I can help a little here,
(T-10,085) Mr. Crockett.

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In this speech of Mr. Dennis at this veterans encampment, did he discuss anything about the dictatorship of the proletariat?

The Witness: He discussed the necessity of the Communists fighting for the needs of the veterans.

The Court: Well, you see, then it is just a question of interpretation. Now when I ask you whether he discussed the dictatorship of the proletariat I mean whether he mentioned that subject there, not whether anything that a man said could be interpreted as bearing on that.

Did he mention anything about that there, in terms?

The Witness: He mentioned the need to unify the people, to save democracy in this country.

The Court: Well—

Q. But he did not say anything about any dictatorship of the proletariat, did he?

Mr. McGohey: Well, I object to that question.

The Court: I think that is what the witness is trying to say. It really seems to me, as I have listened here—

Mr. McGohey: Well, that is just my point, if I may beg your Honor's pardon for interrupting. I think (T-10,086) whatever was said ought to come from the witness and not from counsel.

The Court: Well, you see—

Mr. Crockett: I asked him a question.

The Court: —I have a certain reluctance to hear an hour or two of elaborate statement of all the things that Mr. Dennis may have said, most of which probably have a very remote bearing here, and I thought I would bring out, rather, anything that had been mentioned in terms about the dictatorship of the proletariat or turning an imperialist war into a civil war, and those subjects; but perhaps it is better if I let Mr. Crockett ask in general for what the witness heard Mr. Dennis say.

You may do that, Mr. Crockett.

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Q. Have you ever heard Mr. Dennis or any of the other defendants whom you have mentioned, on any occasion discuss the immediate need for the establishment of a dictatorship of the proletariat in the United States? A. No.

(T-10,087) Q. Now I think you told us that you had been from March 1947 to July 20th, at least, 1948, the legislative representative for the Communist Party in Massachusetts. Will you tell me whether or not in the course of your work as legislative representative of the Communist Party of the State of Massachusetts you had heard anyone accuse the Communist Party of being a conspiracy to overthrow the Government of the United States by force and violence?

Mr. McGohey: Objection.
The Court: Sustained.

Q. I call your attention, Mr. Schirmer, to pages 2622, 2627 and 2698 of the record of the testimony of the witness Philbrick, in which he testified that between November 1947 and January 1948 a professional group in the Boston area was broken down into smaller groups of five people and he stated that this was done for security reasons—

Mr. Crockett: That appears at page 2622, Mr. McGohey.

Mr. McGohey: Thank you.

Q. (Continuing) He also stated that this was done by direction of the State office.

Now I ask you if, during this period 1947, the latter part of 1947 or the first six months of 1948, there was a policy in the Communist Party in the Boston (T-10,088) area of reorganizing the Communist Party clubs in that area? A. There was.

Q. Now were you responsible for the initiation and the carrying out of that policy of reorganization? A. I was.

Q. Will you tell us, what was the policy in regard to reorganizing these clubs?

Colloquy of Court and Counsel

Mr. McGohey: Objection.

The Court: On the ground that he has already testified, Mr. McGohey?

Mr. McGohey: No, on the policy, your Honor.

The Court: Well, he has already testified on his direct examination, as I remember it—let me just glance over my notes here.

No, I think perhaps that was someone else. If he says that he did this breaking down into groups himself, as he has said, I will allow it.

Mr. Crockett: He said he initiated this policy of having all of the clubs broken down into smaller units.

The Court: You see, there is the same old story. I hadn't caught that phrase "initiated the policy." There again one man may think "initiated the policy" means one thing and another man thinks "initiated the policy" means something different.

(T-10,089) Now if you ask him what he did, then the jury can draw the inferences about whether it was one thing or the other.

Mr. McGohey: That was the basis of my objection to the question as it was phrased.

The Court: Yes. I didn't quite catch that phrase.

That, incidentally, is the basis for a good many of the objections that are made and a good many of my rulings. It is a way of putting the answer into the question and then when you get through nobody knows what it means because it is a mental operation.

Mr. Crockett: Except that we have a difficulty in this case of trying a political party where we have a lot of people who do various things and have one person say what he does doesn't present what the Party as a whole did.

The Court: You claim, as I first thought you did, that he is the man that broke them down into these groups of five in Massachusetts. I was going to let him testify to that.

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Mr. Crockett: No, I make no such claim.

The Court: If he knows by personal knowledge who did it, I will let him testify to that. But I don't want any rationalizations and mental operations and conclusions (T-10,090) which in the end prove a source of controversy and difficulty, and, of course, the rule is—the law rules them out. You may re-frame the question.

I will sustain the objection.

Mr. McGohey: My point is, if there is going to be any testimony about some decision the Party made we ought to have some testimony about what officials participated and who they were that participated in the making of the decision and who said what, and where and how it was carried out.

The Court: That is right. And then it is for the jury, if I submit the case to them, ultimately to draw such inferences as they may draw, not to have them drawn by the witness.

By Mr. Crockett:

Q. Mr. Schirmer, were the Communist Party clubs in Massachusetts broken down into smaller units some time during the latter part of 1947 and first part of 1948? A. They were.

Q. Will you tell us what, if any, connection you had with the breaking down of these clubs into smaller clubs or units of the same club? A. I recommended this policy at a meeting of Boston leaders—I don't remember where—towards the end of November of this year.

(T-10,091) Q. Of 1947? A. That is so.

The Court: You say you don't remember where the meeting was?

The Witness: No, sir, I do not.

Mr. McGohey: If your Honor please, couldn't we have either a State or a city?

The Court: I think Mr. Crockett will bring that out.

Mr. Crockett: I think he said Boston in the latter part of November 1947.

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Mr. McGohey: No, he did not. My recollection is it was a meeting of Boston leaders.

The Court: That is right, he said that.

Q. Was this meeting of Boston leaders in the State of Massachusetts? A. Yes.

The Court: Now who was there?

The Witness: I have no recollection. I know that Otis Hood was there. Other than that, a notice had been sent asking the clubs to send representatives to the meeting. They chose their representatives. I don't recall who.

The Court: But these were Boston leaders of the Party, weren't they?

The Witness: That is right.

(T-10,092) Q. Did this breaking down into smaller clubs have anything to do with the mobilization that you testified about?

Mr. McGohey: I object to that question, your Honor.

The Court: Sustained.

Q. The witness Philbrick testified that these clubs were broken down, where they were broken down, into smaller units for, quote, security reasons, and I ask you whether or not the breaking down of these clubs was for security reasons? A. Well, it depends. I cannot answer that yes or no. It depends on what you mean by security. I recommended at this meeting the breaking down into smaller units along the following lines, first of all, I pointed out that our experience was that the larger clubs in the area, having 30 or 40 people, were not working as effectively in the conduct of the mass campaigns of the Party as smaller clubs, and this had been especially brought out in the election campaign that had just been completed, in which Otis Hood ran for school committee and the Communist Party supported him.

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The Court: Was 40 or 50 about the biggest club you had?

The Witness: About that, yes.

A. (Continuing) And, on the other hand, that the (T-10,093) smaller clubs—

Q. May I interrupt? I am wondering if you understood his Honor's question? Did you mean to say to him that 40 or 50 was the largest club you had in the Boston area? Did you have any clubs that were larger in membership than 40 or 50? A. To my recollection that was the general maximum.

Q. OK, now go on. A. But we had found in the course of this election campaign that the smaller clubs of 10 or 15 members had been more active in the support of the candidacy, the people lived near together, they knew one another better and were congenial in the work, and for this reason we recommended that the clubs should carry out the process of breaking themselves down into smaller groups or even into another club.

The Court: You mean you recommended?

The Witness: I recommended, yes, your Honor.

A. (Continuing) The second reason which I recommended for the breaking down of these clubs was as follows: we—I felt that smaller—in smaller clubs stool pigeons and employer spies would not be able to work as effectively as in larger clubs because in large clubs such individuals could conceal their activities through lack of familiarity on the part of the other members with them and that, with smaller clubs, it would be more difficult for such (T-10,094) stool pigeons to operate.

The Court: This is what you were telling that group, isn't it?

The Witness: That is right.

A. (Continuing) And that, therefore, for the better protection of our membership, why, such a policy should be followed, and this was recommended for the total clubs in the Boston area—for all the clubs in the Boston area, professional and non-professional.

Q. Now, at page—

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The Court: That is only point 2. Were there some more points?

The Witness: That is all.

Q. Now at page 2638 of the record, Mr. Schirmer, the witness Philbrick testified with reference to the Communist Party clubs in the Boston area that, and I quote, "In all of the clubs the first names are used only. No last names are used in the club meetings," end of quote. Now, I ask you if during the period from your—

Mr. McGohey: What page is that?

Mr. Crockett: 2638.

Mr. McGohey: Oh, yes, thank you.

Q. —I ask you if during the period dating from your return from the Army, which was in—dating from the time you were named Educational—

(T-10,095) Mr. McGohey: I have to interrupt, your Honor. I do not believe that the record is fairly susceptible of the statement that Mr. Philbrick said that, "all of the clubs in the Boston District." Page 2637, Mr. Philbrick is talking about the professional group to which he belonged.

Mr. Crockett: May I read what the record says?

Mr. McGohey: He says, "all of the clubs," but just above that he is talking about the breaking down of the professional group. If there is some other page in here where the—

Mr. Crockett: No, it is that page, Mr. McGohey. Pardon the interruption.

Mr. McGohey: Yes, but if there is another page that can be referred to, to show that he was talking about the clubs, he was talking about all the clubs rather than in the clubs that had formerly been the professional group, I would like to know that other page.

Mr. Crockett: The witness Philbrick describes at page 2637—the following appears:

"By what name, by what names were Pete and Martha known to the pro group? A. Just by their first names.

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"Q. Pete and Martha? A. Yes" period. Then "In all of the clubs the first names are used only. No (T-10,096) last names are used in the club meetings."

Mr. McGohey: Yes, but that follows immediately after the part where he is talking about how this pro group broke up into smaller groups of five each.

The Court: I am going to let this witness describe what they all did whether they are in the pro group or in the other group.

Mr. McGohey: Oh, I have no objection to that, your Honor. The witness can testify, of course, to anything he has knowledge of. My point was that I did not think it was fair to characterize Mr. Philbrick's testimony as having embraced all the clubs in the Boston District.

The Court: Oh, yes. Well, that is matter to be covered later. Now we all know what you got your mind on, Mr. Crockett, so you may inquire of the witness whether, according to his experience in those clubs in the district, not only as to pro group but to any of the groups or all of the groups, they used first names only.

Mr. Crockett: I should like to limit my question, your Honor, to the period covered by the indictment, however.

The Court: Well, you may do that. All I am trying—

Mr. Crockett: That is, down to July 20, 1948.

The Court: —to do is to suggest.

(T-10,097) Q. I want to know, Mr. Schirmer, whether or not you or anyone else in your presence at any time during that period instructed anyone that they should not use their last names?

Mr. McGohey: I object to that, your Honor.

The Court: I will sustain the objection. I don't know why, Mr. Crockett, you always seem to expand the questions so as to have some improper part in it. A minute ago you were on the subject of asking

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this witness whether, as I understood it, whether or not in all the time he was in those clubs he heard people addressing one another only by their first names or not.

Mr. Crockett: No, I did not get to the last part before Mr. McGohey objected so your Honor is in no position to say what it was I was going to ask him.

The Court: It seems perfectly relevant to me, and why don't you ask him about it? It seems as though the minute we get something cleared up and the ground is all clear for you to ask a question, then you seem to want to ask a different question.

Mr. Crockett: I don't ask it because, as I understand the law, there is no law that says that you cannot use your first name. The implication has been that the Communist Party somehow directed its members not to use their last names. So, unless it is (T-10,098) associated with the Communist Party, it has no place in this case whatever. That is why I did not put the question that way.

The Court: If they just used their first names and people did not know what their last names were—it seems to me there is testimony to that effect here—I thought you were going to negate that by showing they did not do it, but you go ahead anyway you want. You have a perfect right to start a subject and drop it and go to something else, and I raise no question about that.

Mr. Crockett: I have no intention of dropping this.

The Court: All right, you go ahead then and put a question.

Q. Mr. Schirmer, was there any policy or practice in the Greater Boston area during the period from your return from the Army down to July 20, 1948, the date of the indictment in this case, under which all members of the Communist Party were instructed or told or in any other way encouraged to use only their first names?

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Mr. McGohey: Objection.

The Court: Sustained. I don't know why you have to do it that way.

Q. Was there any practice among the members of the (T-10,099) Communist Party, so far as you know, in the Boston area during the period that I have previously mentioned to use only their first names? A. I cannot answer that yes or no. I would have to say that the policy—

Mr. McGohey: I object, your Honor. I object to any policy. The questions eliciting that have been ruled out.

The Court: I think I will let you go ahead. I overrule the objection. You go right ahead, Mr. Schirmer, and tell us just what you want to tell us about this.

The Witness: Thank you, your Honor.

A. (Continuing) The policy, so far as I was aware of it, was that we encouraged all of our members to be as widely known as possible as Communists so that the public as a whole would get to know just what the Communist Party stood for by knowing the persons that made up the Communist Party. This was the policy.

The Court: You know, I am rather struck by the fact that you did not seem to remember any of these people when you described these meetings. Did they use their first names in these meetings that you attended and not their last names?

The Witness: That was a matter that is decided by each. That was up to the individual. It was a known fact that the employers in Massachusetts were using (T-10,100) blacklists against Communists, members of the Communist Party.

The Court: You didn't think I asked you about that, did you?

Mr. Crockett: I submit that is implicit in the question.

The Court: You know, the volunteering of things—I asked him whether in those clubs he heard them use their first names only, and now he is doing

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what so many others have done and going into some explanation which could be asked of him separately.

Go ahead and make the explanation. I just mention that because I want you to know that I see the difference between answering a question and pulling something in by the heels. You go ahead now and tell us all about it, explanation and all.

(T-10,101) The Witness: Very well, your Honor—

Mr. Crockett: I wish, before he begins, to register my objection to the last remarks made by the Court.

The Court: Well, Mr. Crockett, from the experience we have had here have you advised any of the witnesses not to do that? Because you should.

Mr. Crockett: Is your Honor implying that I would suggest to a witness that he not obey the lawful command of this Court?

The Court: No. I thought it might be well to let witnesses know that if they volunteer a lot of things that they are not asked, it is better not to do that. Now I want it clear here that I am going to have answers to the questions, and there has been so much of this business of pulling in a lot of other things that are not asked about, and I have been struck by it and I have repeatedly told witnesses not to do it. Now I think it would be well for counsel to bear that in mind.

Now you may object to it—that is your right—I say nothing about that. The objection is overruled.

Now Mr. Witness, go ahead and tell us about it.

A. As I said, some members of the Communist Party, because of the existence of these employers' blacklists, were in the practice of using only their first names in (T-10,102) meetings. However, this was no policy. This was up to the individual member to do as he or she saw fit. They did this because they wished to employ this measure for mutual self-protection.

Q. During the entire period that you have been a member of the Communist Party, Mr. Schirmer, have you ever

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regarded the Communist Party as a conspiracy to overthrow the Government of the United States by force and violence?

Mr. McGohey: Objection.

The Court: Read me that question, Mr. Reporter.

(Question read as follows:)

“During the entire period that you have been a member of the Communist Party, Mr. Schirmer, have you ever regarded the Communist Party as a conspiracy”—

The Court: I will sustain the objection.

* * *

Cross examination by Mr. Gordon:

Q. Mr. Schirmer, when did you join the Communist Party? A. In 1936.

Q. Did you join the Communist Party or the Young (T-10,103) Communist League? A. At that time I joined the Young Communist Party.

* * *

A. (Continuing) May I rephrase it? At that time I joined the Communist Party. I joined the Young Communist League in 1933.

Q. Well, you were already a member of the Young Communist League? A. I was.

Q. Did you join the Young Communist League at the time that you entered Harvard University? A. Shortly after.

Q. That was one of the first things you did after you got to Harvard? A. Oh, no.

Q. With respect to Communist activities, was it the first thing that you did after you got to Harvard? A. Well, I—I don't understand the question.

Q. Well, I will put another question to you then: Did you ever join a Communist Club at Harvard University? A. Yes.

Q. Was that the John Reed Club? A. No.

Q. No? A. No.

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Q. What was the name of the club? A. The Young Communist League of Harvard University.

Q. Did you ever—in addition to the Young Communist (T-10,104) League of Harvard University did you ever join the John Reed Club? A. I did.

Q. When was that? A. It was 1934 or '35, I cannot say.

Q. '34 or '35? A. That is what I say, although I am not confident of that answer.

Q. Now is the John Reed Club a part of the Young Communist League or part of the Communist Party? A. Neither.

Q. Are the members of the John Reed Club Communists? A. Some.

Q. In 1934 or 1935 were there any members of the John Reed Club who weren't Communists?

Mr. Crockett: I object, your Honor. The question has been answered.

The Court: No. It seemed to me not. I will overrule the objection.

A. Oh, yes.

Q. Now as I understand it, then, your first activities as a Communist were 1933? A. That is right.

Q. So that you were a Communist during your four years at college? A. For the majority of the time.

Q. And after you left college you secured a position with some league, students' league? (T-10,105) A. I was elected the New England Secretary of the American Students Union.

Q. Where did you perform your duties with the American Students Union? A. In New England.

Q. Where did you live? A. I remember living at one time in Cambridge and at one time in Boston.

Q. How long did you stay with the American Students Union? A. Until 1939, as I remember.

Q. Would it be correct to say that up until or through 1939 you had lived in Greenwich, Connecticut, gone to school in Asheville, and also lived as a student in either Cambridge or Boston, Massachusetts? A. That would seem correct.

Q. Had you ever up until that point resided in any other State of the Union?

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The Court: This is up to 1939?

Mr. Gordon: Yes, sir.

Mr. Crockett: I object to this question, your Honor. I think there has already been some testimony on this and I think the question is obviously misleading.

The Court: Well, it doesn't seem so to me. I will allow it.

The Witness: Could I have the question again, please?

(Question read.)

(T-10,106) A. (No answer.)

Q. Do you want me to list the States again, Mr. Schirmer? A. Yes, I believe so.

Mr. Gordon: Your Honor, may I conduct my cross-examination without advice from counsel for the defendants?

The Court: Now Mr. Gordon.

Mr. Crockett: I wasn't undertaking to advise Mr. Gordon, your Honor.

The Court: You pay no attention and you will do better. We have been over that a whole lot of times. You will do splendidly if you disregard those whisperings.

Mr. Gordon: If they were just whispered to me, I wouldn't mind, but they are whispered for the benefit of the jury.

The Court: Just a minute. You have this man's mind on a point. He was in Greenwich, he was in Asheville, he was in Cambridge or Boston, Massachusetts, and you are asking whether he lived anywhere else until 1939.

Mr. Gordon: That is right.

By Mr. Gordon:

Q. From the time you were born through 1939. You lived in Connecticut, in North Carolina and in Massachusetts. Now was there any place else? A. Well, I remember working in a summer camp for boys in Canada.

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Q. In addition to that were there any other places (T-10,107) where you lived? A. Not as I remember over an extended period of time. I may have made visits here or there. I don't recall.

The Court: Do you understand that when a man asks you whether you lived anywhere else, that that means whether you spent a night with someone? Because, if you do you better get that out of your mind.

Q. You certainly had never lived in Vermont? A. I went to Vermont some time in 1939; when, I don't remember.

Q. Prior to that time had you ever lived in Vermont? A. Not that I can remember. No, I never had.

Q. And you went to Vermont some time in 1939 as an official of the Communist Party? A. Yes.

Q. You went from Boston or Cambridge to Vermont and became State Secretary of the Communist Party of Vermont? A. I was elected to that post, yes.

Q. How long were you there before you were elected? A. I was elected immediately upon coming.

Q. In absentia or after you got there? A. I was there—I was presented to a meeting and I was elected.

Q. How many Communist Party members were there in Vermont? A. Close to a hundred.

Q. Did you meet them all at one meeting? A. No.

Q. Most of them at one meeting? A. No.

(T-10,108) Q. Well, how many were at the meeting which elected you? A. I would say around 40.

Q. 40 out of a hundred elected you State secretary? A. 40 representatives of the Communist Party in that State.

Q. Who presented you to the 40 representatives? A. I believe it was Anne Burlak.

Q. She was at that time the chairman of the New England Party? A. I do not remember her post at that time.

Q. Were there any other candidates on the ballot for this office? A. No.

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Q. So that you were presented to the meeting and unanimously elected State secretary of the Party in Vermont? A. That is correct.

Q. Now who sent you up there? A. No one.

Q. Did you just go of your own volition? A. I did.

Q. Did you have any choice? A. Of course.

Q. And what was the other place that you had a choice as to going to? A. I didn't say that.

Q. Well, what did you mean? A. I meant that my going to Vermont was a voluntary act on my part.

Q. You answered that question. The next question was, did you have a choice? Didn't you choose between going to Vermont or going to Washington, D.C.? A. I recall that now; I did.

(T-10,109) Q. And who gave you the choice? A. No individual gave me the choice.

Q. Did you discuss the matter with anybody? A. I made up my own mind.

Q. The question was, did you discuss the matter with anybody? A. (No answer.)

Q. I think I know what one avenue you think the question may lead to. Let me reframe it for you.

Did you discuss the matter with any official of the Communist Party? A. Yes.

Q. Who was that? A. Well, I remember Anne Burlak as being in Boston at the time. I certainly told her of the opportunities that were open to me and asked for her—what she felt would be the best one.

Q. What was her position at the time in Boston? A. I do not recall.

Q. Don't recall that. And who had given you these two opportunities? A. I cannot recall the specific individuals.

Q. Was it John Williamson? A. No.

Q. Was it any of the defendants? A. Not to my recollection, no.

Q. Some official of the Communist Party told you that you could go to Vermont or Washington, D. C. and you (T-10,110) don't have any recollection as to who it was? A. That question does not correspond to the facts.

Q. What are the facts that are different from the way I framed the question? A. I was told in Boston by Anne

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Burlak, so far as I remember, of the possibility of working for the Communist Party in Vermont and I was told by individuals whom I cannot remember of the possibility of a job in—of working for the Young Communist League in Washington, D. C., or some individuals or some of the leaders—some of the leaders of the Young Communist League who told me. I do not remember who they were.

Q. Didn't you just tell the jury that your discussion with Anne Burlak consisted of your going to her and your asking her advice? A. Yes.

Q. Now, which is it—that she offered you the job or that you went to her and asked her advice? A. The difficulty there is that I cannot remember exactly which individual in Boston or New York told me of these openings. I remember going to Anne Burlak for advice, and I presume that she was in on the discussion of the opportunity in Vermont since she was part of the State leadership at that time. That is my best recollection.

Q. That is the third variation of it, then. It could be any one of three, is that right? A. (No answer.)

Mr. Gordon: I am not sure whether the witness (T-10,111) is thinking or whether he isn't going to answer the question.

The Court: Yes, he is thinking. He is thinking.

A. I do not see how—

Mr. Crockett: I object.

A. (Continuing) I do not see how the questions exclude each other—the answers exclude each other.

The Court: Well, it may be any one of the three things and you don't know which?

Mr. Crockett: I object to your Honor's question and the question of Mr. Gordon that there have been any variations whatever.

The Court: I thought that is what the question said.

Mr. Crockett: That is what Mr. Gordon purported to say, I take it, summarizing what the witness has said.

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The Court: You say he has been thoroughly consistent and he hasn't changed it at all?

Mr. Crockett: I would say that what he has said is consistent.

The Court: Well, it doesn't seem so to me.

Q. Well, let's go to the question of the Washington job for a moment. You said that some of the leaders of the Young Communist League were the ones who offered you the Washington, D. C., position? A. They told me that (T-10,112) it was possible to do that, yes.

Q. At this time you were working for the Students Union? A. That is right.

Q. At a salary? A. Yes.

Q. And you were offered this other employment by the Communist Party at an increase in salary? A. No, there was no increase in salary.

Q. The same salary? A. It is difficult to speak of salary. I worked for the American Students Union. We were in perpetual debt.

Mr. Crockett: Will you speak up just a little louder, Mr. Schirmer? I have difficulty hearing you.

The Witness: Yes.

Q. "We were in perpetual debt" means the Students Union was in perpetual debt? A. That is right.

Q. Was the Communist Party in perpetual debt? A. When?

Q. In 1939 or 1940 or at any time. A. Where?

Mr. Gordon: I am almost ready to go right up there in that witness chair, your Honor.

* * *

(Short recess.)

(T-10,113) Q. Now, Mr. Schirmer, you have told us, one, that you were getting a salary from the American Students Union, and, two, you have inferred that you weren't getting a salary from the American Students Union because it was bankrupt. Now which was it? A. I was getting a salary, but not the full amount at all times because the organization was hard up. We had to constantly appeal for funds.

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Q. When you were offered this job in Washington, D. C., was that at an increase? A. I don't remember the precise financial arrangements. They had no importance to me.

Q. It made no difference whether you got more money or less money? A. Absolutely not, so long as my expenses were covered.

Q. Was your trip from Boston to Vermont paid for by the Communist Party? A. This was all a long time ago and I have difficulty in recalling. As I recall, Anne Burlak drove me to Vermont.

Q. But you don't remember what her position with the Party was? A. No, I do not remember at that time.

Q. Now who was in—

The Court: Well, she had some position in the Vermont part of the Party, didn't she? I thought I heard you say that.

The Witness: No, sir. She had some position (T-10,114) in the New England District leadership.

The Court: Yes.

Q. She was an official of the New England District of the Communist Party? A. That is so.

Q. Now who were the members of the Young Communist League, national officers that offered you the Washington job? A. I do not recall.

Q. Henry Winston? A. I do not recall. That was a long time ago.

Q. The defendant Green? A. I am trying to search my memory.

Q. The defendant Gates? A. I am sorry, I just cannot remember.

Q. Well, the defendant Green was an official of the Young Communist League, wasn't he, in 1939? A. I would have no definite memory of that.

Q. You had been in the Young Communist League for six years at that time, and you cannot tell us whether or not the defendant Green was a high ranking official of the Young Communist League by 1939? A. It has been some time since I thought of this. I know that Mr. Green was a leader of the Young Communist League. Whether precisely at that time he had an elected position or not I am not sure.

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Q. Well, Mr. Green has told us that he was the (T-10,115) leader of the Young Communist League from 1932 or '3 on through about 1939. You do not recall anything of that kind? A. My only hesitation is to—is whether it was at that time that Mr. Green went on to other fields of work or not. I do not recall precisely.

Q. Well, is it your hesitation as to when he went to other fields or as to whether or not he was a leader of the Young Communist League? A. It is one and the same thing.

Q. Now have you ever attended as a student any Communist Party school?

Mr. Crockett: I object, your Honor, unless it is fixed within the period of the indictment or the period as covered by the direct examination.

The Court: I will allow it.

A. Again I am trying to recall the details. That is why I am taking this little time.

The Court: You do not remember whether you attended a Communist school as a student?

The Witness: I am trying to place the time, your Honor.

A. (Continuing) I believe it was in the summer of 1938 I attended a school.

Q. Where?

Mr. Crockett: I object to any further examination (T-10,116) on this on the ground that it was not covered by the direct examination.

The Court: Overruled.

A. It was in the vicinity of Poughkeepsie, New York. I cannot remember more than that.

Q. Was it near Fishkill, New York? A. I do not recall.

Q. Was it near Beacon, New York? A. I do not recall.

Q. Was it called—well, what was it called, this school that you went to? A. It was a—as I recall—a Young Communist League school.

Q. It was a camp in the country? A. Yes.

Q. What name did you use when you went there as a student? A. My own name.

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Q. Were all the students using their own names? A. As far as I remember.

Q. In the summer of 1938 you went to this school near Poughkeepsie, a Young Communist League school. How many students were there? A. I don't recall.

Q. What sort of a physical installation was the school at?

Mr. Crockett: I object to these questions, if the Court please. I would like to be heard.

The Court: I will allow it.

Mr. Crockett: Now we not only are outside the period covered by the indictment and the period (T-10,117) specifically blocked out by me in my direct examination, but we are talking about an altogether different organization and a school conducted by an altogether different organization that is nowhere referred to in the indictment.

The Court: I will overrule the objection.

Do you remember the question, Mr. Schirmer?

The Witness: I do not.

Q. (Read.) A. It was a summer camp, as I recall.

Q. Wasn't it in fact a national training school of the Communist Party? A. No, I believe it was a training school of the Young Communist League.

Q. A national training school of the Young Communist League? A. I believe so.

Q. How many students, you don't recall? A. I don't recall.

Q. How many instructors? A. I do not recall that either.

Q. Do you remember who any of the instructors were? A. No, I do not.

Q. Were any of the defendants instructors? A. I do not recall.

Q. Was Jacob Mindel an instructor? A. I do not recall.

Q. Do you know Jacob Mindel? A. Yes.

(T-10,118) Q. Pop Mindel?

Mr. Crockett: Will you speak up, Mr. Schirmer.

A. Yes, I do.

Q. You don't recall whether Pop Mindel was an instructor at this camp? A. No.

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Q. Is that the only school that you have ever been to? A. No.

Q. What other schools have you been to? A. I have been to schools in Boston.

Q. When? A. I believe it was in the summer of '37.

Q. Where? A. I do not recall that.

Q. Who ran it? A. The Young Communist League.

Q. In the City of Boston or in the outskirts of Boston? A. In the outskirts.

Q. Also at a camp? A. I do not recall the details.

Q. Did the place have a name? A. I cannot recall whether it was a place or places, whether each session was held in one place or whether it moved.

Q. Shifted around? A. That is right.

Q. How long did that 1937 course last? A. As I remember, it was four weeks.

Q. Every day? A. No.

Q. How many days a week? A. As I recall, it was over the weekends.

Q. Four weekends? A. Yes.

(T-10,119) Q. Saturday and Sunday? A. That is right.

Q. How long did the school in 1938, near Poughkeepsie, last? A. I do not recall.

Q. That was at Camp Beacon, wasn't it? A. I do not recall.

Q. Does the name Camp Beacon mean anything to you? A. I know there is a camp by that name, as I remember.

The Court: A Communist Party camp?

The Witness: I do not know.

Q. Between 1945 and 1948 didn't the Communist Party run a national training school at Camp Beacon, New York? A. I do not recall that.

Q. As Educational Director for the District of Massachusetts or the New England District you do not have any knowledge of that, whether it did or didn't? A. That was quite a while ago and I do not recall where, as I said before—I do not recall precisely where that school was.

Q. Take exactly one year ago. On July 19, 1948, did the Communist Party have a national training school at Camp Beacon, New York? A. I have no knowledge of that.

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Q. Even though at the time you were the Educational Director of the District of New England? A. Exactly so.

(T-10,120) Q. Well, how long was that school up there in the vicinity of Poughkeepsie? A. I do not recall.

Q. Do you remember any of the texts? A. Yes, I recall the book—pamphlet by Dimitroff, the report to the Communist Party International gathering, which was held in 1935.

Q. Report to the Seventh World Congress? A. Yes, sir, that is right.

Q. That is the only text you recall? A. I believe we used other basic works. I would not be able to pin-point them. That one sticks out in my memory.

Q. Marxist-Leninist works? A. That is right.

The Court: This is in Poughkeepsie, you are talking about?

The Witness: In the vicinity, yes.

Q. How far from Poughkeepsie was it? A. Since I don't remember where the place was, I do not know how far from Poughkeepsie.

Q. You don't remember, I take it, then, whether it was north, east, south or west? A. No, that is true.

Q. When you were a student at Harvard did you ever go over to Poughkeepsie? A. Oh, I may have, to visit some girl on a weekend. I don't remember.

Q. At Vassar College? A. I may have.

Q. So you are familiar with Poughkeepsie? A. Yes.

(T-10,121) Q. But you cannot tell us in what direction of the compass this camp was from Poughkeepsie? A. No, I cannot.

Q. How often were the classes at the camp, do you remember that?

Mr. Crockett: I object, your Honor. We have been over this once. And may I point out that the Court has expressed some concern about consuming time and diverting into issues that have no relevancy whatever, and the Government is doing just that.

The Court: Do you think this is a good time to save time by cutting short the cross-examination?

Mr. Crockett: I am not suggesting that cross-examination be cut short but I think it should at

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least be confined to the four corners of the indictment.

The Court: I will overrule the objection.

Q. Do you recall the question? A. No, I do not.

Q. How long were the classes at this school in the vicinity of Poughkeepsie? A. I have difficulty recalling the details of that school. So far as I remember, there was classes every day.

Q. How many hours a day? A. I do not recall.

Q. Where did you live? A. We lived in the physical emplacement of the camp.

Q. Of the camp itself? A. That is correct.

Q. Did the classes start at eight o'clock in the (T-10,122) morning? A. I am sorry, I cannot remember that.

Q. Isn't it a fact that you had classes that started first thing in the morning and that they lasted through the day and that, after dinner, at night, you continued on? A. No, not to my recollection. I cannot say that that was definitely the case.

Q. Does that sound familiar to you? A. I would say we had classes during the day. As far as evenings, I recollect that we had a good time.

Q. Seven days a week? A. Yes, seven days in the week, that is when we were there, yes. I don't recall whether we had a class every day of the week, whether it was all seven days or not. I know that was the general procedure we followed.

Q. This good time that you had at night, that was also at the camp? A. We had square dances, folk singing—

The Court: He asked you, within the camp?

The Witness: Yes.

Q. You did not leave the camp? A. That is not true.

Q. Did you leave the camp? A. On one or another occasion as I recall, yes.

Q. How many occasions do you recall leaving? A. Again I will have to try to recollect and it may take me a little time, and I beg the pardon of the assembly here.

(T-10,123) I remember that I needed a haircut—as I remember, I needed a haircut, and I remember definitely—

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I think it was Poughkeepsie—no, I cannot say it was Poughkeepsie—I got the haircut in, but I got a haircut in some town in the vicinity of that camp. So that, to get a haircut, I had to leave the camp.

Q. You remember getting the haircut but you don't remember how long the courses took or any of the texts or any of the teachers? A. That is right.

Q. That sticks out vividly in your mind? A. Because I was razzed, as I remember.

Q. Does it stick out vividly in your mind? A. As I remember that on more than one occasion during the school the students remarked on my hair and told me I should get it cut. This happened more than once and it happened with quite some vigor and with much humor at my expenses, so that I definitely remember it, yes, I do.

The Court: Were there men and women at the school?

The Witness: Yes.

Q. What was the town that you got the haircut in? A. I cannot recall that. That had no connection with the humor.

Q. That is two schools. Have there been any others (T-10,124) that you have attended? A. I am trying to recollect.

Q. Please do. A. No, I do not believe there were.

Q. Just those two schools? A. That is—

Q. And they were both Young Communist League? A. Yes.

Q. Werne't they under the supervision of the Communist Party? A. No, they were held by the Young Communist League.

Q. And having gone only to those two schools of the Young Communist League, you subsequently were made the Educational Director for the New England District by the Communist Party? A. That is correct.

Q. Now, how many Communist Party schools have you taught at as an instructor? A. I am trying to recollect but, to the best of my recollection, I have taught at no schools as such. I have taught classes, led discussions and so on, numerous—so many times that I cannot recall them all but, as for schools in that category, I cannot recollect any.

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Q. Now, do you recall now whether or not the Communist Party between July 1946 and July 1948 ever held any national training schools?

Mr. Crockett: I object to that question, your Honor.

* * *

(T-10,125) The Court: I will allow it.

Mr. Crockett: May I state the grounds for my objection?

The Court: Yes.

Mr. Crockett: Improper cross-examination, outside the scope of the direct examination.

The Court: Well, it seems to me one of the functions of cross-examination is to test the capacity of recollection of the witness, and a certain amount of that I have allowed in every instance.

Mr. Crockett: But isn't that so in connection with what has been testified to in the direct examination, your Honor.

The Court: Not necessarily so.

Mr. Crockett: So that he can go as far afield on the theory of testing his recollection—

The Court: Within my discretion, I think he has been at it about half an hour or so.

Mr. Crockett: I am not complaining about the length of time. As far as I am concerned, he can examine for the rest of this week and part of next. I am only asking that he stay within the confines of this witness's testimony on direct examination and within the confines of the indictment.

(T-10,126) The Court: Well, I say I don't understand the rule to confine the inquiry to such matters.

I will allow the question.

Mr. Gordon: Will you read the question, Mr. Daniell before you go?

(The reporter read the question as follows:)

"Now, do you recall now whether or not the Communist Party between July 1946 and July 1948 ever held any National training schools?"

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A. I have no specific recollection of that. There may have been such but I do not recall them specifically.

Q. Did you ever participate in selecting any students for such a school? A. Not to the best of my recollection.

Q. Did you ever participate in approving the selection of students for such a school? A. I believe I have. I cannot remember exactly.

Q. Well, if you have approved the sending of a person to a National training school, then you must recall that a national training school was held? A. It has come to my recollection now; I remember now that there was a school at which Fanny Hartman attended, and I believe it was discussed that she should attend, and I remember approving the choice.

Q. And where was that school? A. I do not know.

Q. Did you approve the attendance of Fanny Hartman (T-10,127) at a national training school? A. Yes.

Q. But you cannot remember where the school was? A. I was not informed.

Q. Can you remember when you gave the approval? A. No, I cannot.

Q. Was it a school out in the country at one of these camps? A. I have no knowledge of its location.

Q. Did you ever discuss anything about it with Mr. Stachel? A. No.

Q. Did you ever discuss any national training schools with Mr. Stachel? A. No.

Q. Did you ever discuss anything about education at all with Mr. Stachel? A. I have already testified to that effect.

Q. And that is the only thing that you discussed with Mr. Stachel? A. I believe that is, to the best of my recollection.

Q. In November or December of 1946 you went over the educational program for Massachusetts with Mr. Stachel? A. That is right.

Q. Now what sort of schools did that include? A. That did not include any schools. That had to do with educational discussions in the clubs especially, I remember.

Q. Just the portion of the club meetings where (T-10,128) educational work was taken up? A. Well, yes. We discussed education, the concept of education in general, as I recall. I discussed it in general with Mr. Stachel.

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Q. In general. A. That's right.

Q. Is that the only time that you have ever visited with Mr. Stachel at his office? A. That is right.

Q. Have you ever been down to 35 East 12th Street on any other occasion? A. Oh, yes.

Q. How often? A. I cannot say.

Q. Have you ever had any conferences down there with Mr. Trachtenberg? A. Not to my recollection.

Q. Who is Mr. Trachtenberg, or who was he between 1946 and 1948? A. I do not recall what post.

* * *

The Court: You say you knew Mr. Trachtenberg, or haven't you said yet?

The Witness: I haven't said.

The Court: Well, say now.

The Witness: I have seen Mr. Trachtenberg.

Q. You have seen him? A. Yes.

Q. Now is he a member of the Communist Party? (A pause.)

(T-10,129) Q. You take a long time to answer.

The Court: No, he may do that.

Mr. Crockett: May I object to this cross-examination, your Honor, as being very unfair.

The Court: Well, I see nothing unfair about it. The witness is taking a long time to answer. If you want him to have more time I am perfectly willing to give him all the time he wants.

Mr. Crockett: No, but he is going—I take it what we are doing is commencing a sort of roster of names—

The Court: What is that?

Mr. Crockett: A sort of fingering of persons; did he know this person, did he know the other person?

The Court: I see no basis for that statement whatsoever.

Mr. Crockett: Well, I see it on the basis of the cross-examination, if the Court please.

The Court: Well, let us hear what the answer is. I will overrule the objection.

Daniel Boone Schirmer—for Defendants—Cross

(To the witness) Now is Trachtenberg a member of the Communist Party?

The Witness: I am not going to answer that question. I am not going to be put in the position by this court of informing on people, whether they are or are not members of the Communist Party.

(T-10,130) Q. It was all right to inform on Otis Hood; it was all right to inform on Anne Burlak; it was all right to inform on Fanny Hartman; it was all right to inform on all the other names you have given since you have been on the witness stand.

Mr. Crockett: I object, your Honor, unless it is brought out that all of these names already appear in the record, and whether or not the witness has read the record of the testimony in which those names have been mentioned.

The Court: Overruled—well, as a matter of fact, I will sustain the objection to the question.

(To witness) Let me ask you a question, Mr. Schirmer: When you have been saying you did not remember here to many of the questions, was it because you did not wish to answer?

The Witness: No, it was because my recollection failed me.

Q. Well, now, do you know what position or connection Alexander Trachtenberg had with the Communist Party in the fall of 1947? A. I am not going to answer that question or that type of question with respect to Mr. Trachtenberg.

Q. Have you ever given that information in any public document? A. I do not recollect.

(T-10,131) Q. Well, search your recollection and take your time.

Defendant Dennis: I object to this, your Honor. I ask the Court to instruct Mr. Gordon to speak civilly to the witness, and I would like to observe—

(Noise in the rear of the courtroom.)

Daniel Boone Schirmer—for Defendants—Cross

Defendant Dennis: I would like to observe that the prosecution is shifting from what is alleged in the indictment, in bringing in the question of names, trying to finger and disclose names.

The Court: I will overrule the objection.

The question is, did you give his name in some public document?

The Witness: I may have.

Q. Search your recollection. A. I cannot recollect specifically.

Q. Take your time. A. If I took—I am afraid I cannot recollect that.

Q. Now let us go back to the question of what position did he hold in the latter half of 1947? A. Now I do not know. I do not recollect what position he held.

Q. You have no recollection at all? A. I have no recollection of any position held in the Communist Party by Mr. Trachtenberg.

Q. Well would you say that he held no position in the Party? A. I am not going to answer that type of question. (T-10,132) I have spoken with reference to Anne Burlak and Otis Hood. I know these people personally and have worked with them. I have had no such relationship with Mr. Trachtenberg.

Q. Well, did you ever undertake to state in a public document that you did know what his position was?

Mr. Crockett: I object on the ground that that is repetitious. The witness has stated time and time again that he has no recollection, and Mr. Gordon keeps walking up and down, pointing his finger, shouting, "Search your recollection."

The Court: Well, this shouting business, you know—you say he has been shouting—

Mr. Crockett: Well, he has been shouting, if the Court please.

The Court: It hasn't sounded so to me.

Mr. Gordon: Just for the sake of the—

The Court: He has lifted his voice on occasion.

Mr. Crockett: Now he is walking back to the table.

Daniel Boone Schirmer—for Defendants—Cross

Mr. Gordon: Just for the sake of the record, your Honor, I will state I haven't been shouting but with respect to whether I have or not, I assume the members of the jury can pass on that.

The Court: Now let us get back to the question.

Mr. Gordon: Well, I assume that the statement (T-10,133) was made for some purpose.

The Court: Well, we don't want to have any more of that by-play than we cannot avoid.

Let us have the question, Mr. Reporter.

(Question read as follows:)

"Well, did you ever undertake to state in a public document that you did know what his position was?"

A. And my answer to that is that I cannot recollect having made such a statement.

Q. Now you say that you had no personal relationship with him? A. That is correct.

Q. Did you ever have any business relationship with him in the Communist Party or in connection with the Communist Party? A. No.

Q. Did you ever receive any money from him? A. No.

Q. In connection with Communist Party activities?

A. No.

(T-10,134) Mr. Gordon: Will you mark this for identification, please.

(Marked Government's Exhibit 192 for identification.)

* * *

Q. Were you ever literature director of the Communist Party or any of its subdivisions? A. Well, my work as educational director encompassed that field. Whether the name was precisely given to me at one time or another, I don't recall.

Q. It included the distribution of literature? A. That is right.

Q. Now to go back to that last question, you said you never received any money from Alexander Trachtenberg. Now I show you Government's Exhibit 192 for identifica-

Colloquy of Court and Counsel

tion and direct your attention to the back page. Is that a photostat of your signature? A. That is.

Q. And did you fill out this document? A. I did.

Mr. Gordon: I offer it in evidence.

Mr. Crockett: I object to this document, if the Court please, and I should like to be heard in support of my objection.

The Court: I will hear you.

Mr. Crockett: I assume that the Government offers (T-10,135) this document for the purpose of impeaching the witness's statement to show that he did receive some money from a person by the name of Trachtenberg.

The Court: I think it goes far beyond that.

Mr. Crockett: I don't hear your Honor.

The Court: I think it goes far beyond that. You claim it is merely affecting this collateral question of whether he received the money or not. I think it goes far beyond that.

Mr. Crockett: I think that this witness in his capacity as an official of the Party signed a paper that is required by law reporting on the expenditures and what funds had been received is not proof that the witness personally received those funds and personally had any connection with any person whose name appears on that document. From that point of view it falls very short of the impression the Government is trying to give that it does.

The Court: Let me see the document.

Mr. Crockett: I might add it is almost a year beyond the period covered by the indictment.

The Court: Well, I don't understand the cross-examination is limited to the period stated in the indictment.

Mr. Gordon: May I be heard? I won't argue anything but the date. If you will but turn to look at (T-10,136) the date, your Honor, you will see it is well within the period of the indictment.

The Court: It is dated November 5th, 1947.

Mr. Crockett: I thought it was 1949.

Mr. McGohey: That is the certificate.

*Excerpts From Government's Exhibit 192,
Read into Record*

Mr. Crockett: Mr. McGohey tells me that the certificate says 1949.

The Court: Yes. The document itself is apparently signed, which the witness has confirmed, and the date is November 5, 1947. I will allow it. I will overrule the objection.

(Government's Exhibit 192 for identification received in evidence.)

Mr. Gordon: May I read this to the jury, your Honor?

The Court: Yes, you may.

Mr. Gordon: This is a certified document, the certificate being on the top. It reads:

"The Commonwealth of Massachusetts,

"Boston, Massachusetts, November 5, 1947.

"I, Daniel B. Schirmer, treasurer, certify that the following is a true statement of all the receipts, expenditures, disbursements and liabilities of the Communist election campaign committee and of every officer and other person acting under authority (T-10,137) and on behalf of said committee in accordance with the requirements of General Laws, Chapter 55."

Beneath that appears "Receipts:

"Date received—October 11th

"From whom received—Alexander Trachtenberg, treasurer, National Election Campaign Committee, Communist Party, USA."

Under "Address" appears "35 East 12th Street, New York, New York.

"Amount—\$250.

"Total—\$250."

By Mr. Gordon:

Q. Did you expend any of that money, Mr. Schirmer?
A. I did not expend any of that money personally.

Daniel Boone Schirmer—for Defendants—Cross

(T-10,138) Q. Did you expend any of the money personally or non-personally? A. As the treasurer of the campaign committee for Otis A. Hood certainly I expended some of the money.

Q. So that you actually received it? A. Not in any personal capacity.

Q. Well, leaving out the question of personality, did you or did you not receive the money? A. As the treasurer of the Hood Campaign Committee I did so.

Q. And how did you expend it? A. There were radio broadcasts, leaflets—those are the two main things that I remember.

The Court: Did you sign the checks yourself?
The Witness: I do not recall that.

Q. Did you make a report to Mr. Trachtenberg as to how you had spent the money? A. I do not recall.

Mr. Gordon: Well, under "Expenditures and disbursements" "October 18, Station WMEX, 70 Brookline Avenue, Boston, Broadcast, \$200;

"October 19, Herald Traveler, Boston, Mass., Newspaper Ad, \$12.60;

"Total \$212.60."

And on the back page appears the following:
(T-10,139) printed in parentheses:

"Signed under the penalties of perjury," and then the written signature "Daniel B. Schirmer" and the printed word "Treasurer" and underneath that written "35 Fayston Street, Roxbury, Massachusetts."

Q. That was your address, wasn't it? A. That was.

Q. Now you say that as Educational Director you also performed the duties of Literature Director? A. I said that the distribution of literature came within my scope, yes.

Q. Yes. Did the Communist Party run a bookstore in Boston? A. Yes.

Daniel Boone Schirmer—for Defendants—Cross

Q. And what was the name of the store? A. I must beg to say that I made an incorrect statement. The Communist Party did not run a store; there was a store which carried Communist material. That is the Progressive Bookshop.

Q. And who ran the Progressive Bookshop? A. I owned the Progressive Bookshop.

The Court: What is that?
The Witness: I owned it.

Q. And when did your ownership of the Progressive Bookshop take place? A. Towards the end of 1946, as I remember.

(T-10,140) Q. Did your ownership of the Progressive Bookshop occur when you became Educational Director for the Communist Party in New England? A. At around the same time.

Q. It was part of your function to own the bookshop? A. I was naturally interested in having a bookshop which would distribute Communist, as well as non-Communist literature.

Q. From whom did you buy it? A. From David Bennett, as I remember.

Q. Mr. Bennett was an official of the Communist Party? A. I do not recall his standing at that time.

Q. In 1947? A. He was an official of some type, yes.

Q. Was he State Secretary? A. I do not recall.

Q. Haven't you any recollection of any position that Bennett ever held in the Communist Party? A. I was not in Boston at the time in which he was active in the leadership of the Communist Party. I was overseas and I had no direct experience with him in the work.

Q. But when you bought the bookshop from him, what was his position? A. Again, I am sorry I cannot recall.

Q. But he was in the Communist Party? A. That is right.

Q. And you were in the Communist Party? A. That is right.

(T-10,141) Q. And who ran the bookshop for you? A. I ran it. I owned it and I hired a person to work there.

Q. A man by the name of Collier? A. That is right.

Daniel Boone Schirmer—for Defendants—Cross

Q. And he was a member of the Communist Party?
A. I made it a point not to ask him. I do not believe that employers should inquire into the political affiliation of their employees. I knew that he was—I knew his opinions were sympathetic to the Communist movement but I made no point of asking him his specific relations to the Party.

Q. This afternoon you have testified that it was the Party policy—that it was the policy of the Communist Party in Boston to have all of its members widely known as members of the Communist Party, as widely known as possible, and yet you now say that you never inquired and made it a point of not finding out whether Collier was a member of the Communist Party, your employee in the Progressive Book Shop? A. I think—

Mr. Crockett: I object to the question. Assumes a fact not in evidence.

The Court: Which fact?

Mr. Crockett: It assumes a fact that Mr. (T-10,142) Collier was a member of the Communist Party.

Mr. Gordon: No.

The Court: Let me have the question read.

(Question read.)

Mr. Crockett: "All of its members widely known." There is no testimony here that Mr. Collier was a member.

The Court: Mr. Crockett, your statement that the question contained a statement of fact not in evidence proves not to be so.

Mr. Crockett: Well, I beg to differ with your Honor. I submit that my statement is true. Now, we may disagree as to our interpretation of the statement but I respectfully submit that the Court—

The Court: There is so much interpretation in the case it seems bewildering at times. This seems clear enough to me. I will allow the question.

The Witness: Will you reframe the question, re-ask the question?

The Court: The reporter will read it to you.

Mr. Gordon: I think that is what he meant.

The Court: Yes, I think it is too.

(Question read.)

A. That is true.

Daniel Boone Schirmer—for Defendants—Cross

Q. And how much did you pay for the book shop? A.
I do not recall.

(T-10,143) The Court: Did you pay anything
for it?

The Witness: I do not recall the details of that
transaction.

The Court: All right.

Now, ladies and gentlemen of the jury, remember
the admonition I have heretofore given you. Do not
discuss the case among yourselves and do not let
the matter be discussed by anyone with you. You
will express no opinion of the merits of this
controversy until finally submitted to you under the
instructions of the Court.

We will now take a recess until tomorrow morn-
ing at 10.30.

(Adjourned to July 20, 1949, at 10.30 a. m.)

(T-10,144)

New York, July 20, 1949;
10.30 a. m.

TRIAL RESUMED

(The clerk and Court confer.)

The Court: Let the record show that the jury is
present and the defendants and the attorneys for
the defendants, with the exception of Mr. Sacher,
Mr. Isserman and Mr. McCabe, concerning whom I
am informed the usual stipulation will be prepared
for signature and filing, and the attorneys for the
Government are present.

Daniel Boone Schirmer—for Defendants—Redirect

DANIEL BOONE SCHIRMER, resumed the stand.

Mr. McGohey: The Government has no further questions of this witness.

* * *

Redirect examination by Mr. Crockett:

Q. Mr. Schirmer, Mr. Gordon questioned you yesterday concerning the manner in which you were elected an official of the Communist Party in Vermont, in 1939, I believe.

Will you tell us to the best of your recollection the circumstances and the procedure by which you were selected and then elected to your Vermont post? A. I will.

(T-10,145) Q. Will you speak up so we can hear you? A. I will do that too.

The Communist Party of Vermont at that time was in the need of an organizer for the State. They had consulted amongst themselves and found available—

Mr. McGohey: If the Court please, the witness has testified he was never in Vermont up until the time he went there; so any consultation amongst the members in Vermont must be hearsay.

The Court: I didn't think you would do that.

Are you referring to something you heard from someone else?

Mr. McGohey: He just said the Communist Party needed an organizer and they consulted amongst themselves; and the testimony both on direct examination and cross examination is that he was never in Vermont until he was brought up in an automobile by Anne Burlak.

Q. Suppose you tell us how you found out there had been a consultation of any kind in Vermont prior to your going to Vermont.

Mr. McGohey: Now, if the Court please, I object to that.

The Court: Well, you see, Mr. Crockett, when you say "how you found out" he may start doing the same thing over again and it will get all mixed up. Now if (T-10,146) there is somebody who

Daniel Boone Schirmer—for Defendants—Redirect

told him something, the way to do is to ask him if he had a conversation with so-and-so and then ask the question what was the conversation. In that way it comes out. The general questions just lead to a lot of conversation.

I will sustain the objection.

Q. I believe you mentioned that you had some conversation with Miss Anne Burlak prior to your going to Vermont, is that right? A. That is right.

Q. Will you tell us what that conversation was? A. She told me that the Communist Party of Vermont was in the need of an organizer, that they found no person with the training and capability amongst their own membership, that therefore they had applied to her for an organizer in that State and she consulted me and told me this and asked me if I would be interested since she informed me it was the practice when a State such as Vermont in the New England district could not find a person qualified and able to fill the job to apply to the district in Boston for such a person, and she considered me such a person. This was the way in which the job was offered to me and I became aware of it. Then I went to Vermont. At this meeting I was presented by Anne Burlak as a person capable of doing the work, with the proper training, and on her recommendation the Party membership that was represented (T-10,146-A) at this meeting agreed to have me take the job.

(T-10,147) Q. Now, do you recall what, if any, compensation you received as state organizer in Vermont? A. Yes, I do.

Q. Will you tell us how much that was? A. It was \$10 a week.

Q. Was that in addition to your expenses? A. Often-times but not always.

Q. Were you married at that time? A. I was not.

Q. When did you get married? A. I was married in September '41, I believe. I should know this more definitely. My wife wouldn't like to hear me hesitate in this way.

The Court: You mean to say you don't remember when you got married?

Daniel Boone Schirmer—for Defendants—Redirect

The Witness: I believe it was September 1941, your Honor. I pointed out my wife would be disturbed, as you are—

The Court: Don't you know what the day was—what the date was?

Mr. Crockett: I think that is a common failing of most husbands.

The Court: Well, I don't.

Mr. McGohey: Well, if the Court please, if we are going to get into that, let it be known it is not common with me.

Mr. Gordon: Or me.

(T-10,148) The Court: And it isn't with me.

Mr. McGohey: And I get that report from my associates at my table.

The Court: Maybe you had better look out.

Mr. Crockett: Some husbands have to be unpleasantly reminded. Mine happens to be New Year's Day, so I cannot forget.

Mr. McGohey: You are in our class.

The Court: Anyway, he doesn't remember the date and I cannot see what it has to do with the case.

Mr. Crockett: I agree.

The Court: I really don't, whether he was married or not.

Mr. Crockett: No. I think whether he was married has something to do with the case.

The Court: Hasn't anything to do with the case at all.

Mr. Crockett: But not the date, the particular date.

The Court: The fact that he is married, what has that got to do with the case? What year was this that you say you got married?

The Witness: 1941.

Q. Were you in Vermont at the time or Massachusetts?
A. I was in Massachusetts.

(T-10,149) Q. I see. Later, I believe you testified that you became—was it organizer for the western portion of Massachusetts? A. That is right.

Daniel Boone Schirmer—for Defendants—Redirect

Q. What was your compensation while you held that post? A. I believe it was around twenty-five, although I wouldn't swear to it; and the fact is that the matter of compensation in my work for the Communist Party has never been something that has been decisive for me. I have done this work always because of conviction, because I believe that this was the best thing I could be doing for my country, and I view the monetary reward as slight, and my expenses paid, rather than any money received in terms of self-advancement or pursuit of a career.

Mr. Crockett: May I have that exhibit? You know which one I am referring to?

Mr. McGohey: You mean that one that went in yesterday afternoon?

Mr. Gordon: In addition to giving Mr. Crockett the original of Exhibit 192, I give him a photostat, as promised, and a photostat for the Court.

Q. I hand you, Mr. Schirmer, Government's Exhibit 192, which was offered in evidence yesterday in connection with your statement—your testimony, rather, regarding one Alexander Trachtenberg. Will you tell us the circumstances under which Government's Exhibit 192 was signed (T-10,150) by you? A. That was signed by me under the circumstance required by Massachusetts law for the filing of expenses by election campaign committees after election campaigns. This was filed in 1948 and therefore was filed after the national election of that year.

Q. You mean '47, do you not?

The Court: Yes, it says "November 5, 1947" on it.

The Witness: I believe that that is an 8.

The Court: That is the funniest looking "8" I ever saw. Let me see it—oh, I have got one.

Mr. Crockett: Well, it does have a stamp of the Secretary of State's office, your Honor, that says "Received November 8, 1948."

The Court: Yes, but the date—

Mr. Crockett: So I think maybe the witness is correct.

The Court: Is that your handwriting, Mr. Schirmer, on that first page of the photostat?

Colloquy of Court and Counsel

The Witness: That is.

The Court: Do you mean to say that November 5, 1947, there is an "8"?

The Witness: That is what I say.

Mr. Crockett: I think if you will look very carefully, your Honor, you will find that there is not the (T-10,151) usual "o" shape to the 8 at the bottom. It just comes down on the line, and evidently the pen faded.

The Court: It is the kind of an 8 that looks like a 7.

Mr. Crockett: You can put it that way but there is a stamp that says received in the Secretary of State's office November 8, 1948.

The Court: Yes.

Mr. Crockett: And it is dated November 5th.

The Court: Where is that—

Mr. Crockett: Well, it is on the original. I do not know whether it is on the photostat.

The Court: —magnifying glass that Mr. Gladstein was so kind as to let me have.

(Clerk hands to the Court.)

The Court: (After examining) If that is an 8, I am an Eskimo.

Mr. Crockett: Well, I hesitate to indicate that your Honor might be—

The Court: Maybe he put an 8 on there. Maybe he signed it in '48.

Mr. Crockett: That is the first original—I mean the first photostat, and the others were made from that. Perhaps it is clear on that one (handing).

The Court: Well, you had better pass it around to (T-10,152) the jury to look at.

Mr. Crockett: Very well.

(To jury) We are speaking, ladies and gentlemen, about the date that is given here in the upper right-hand corner (handing glass and exhibit to jury).

(Jury examines through magnifying glass.)

The Court: (To jurors) You don't want to forget Mr. Smith down there (indicating).

Daniel Boone Schirmer—for Defendants—Redirect

Jurors: No.

Juror No. 5: Thank you, your Honor.

(Jury completes examination.)

The Court: All right, Mr. Crockett.

Mr. Crockett: Did you see it, Mr. Smith?

Juror No. 5: Yes.

Q. Do you recall, Mr. Schirmer, with reference to what election that certificate or report was made by you? A. It was made with reference to the November elections of 1948.

Q. November elections of 1948. A. That is right.

Q. Now did you finish telling us the circumstances under which it was prepared by you? A. It was prepared by me in conformity with the state law which requires election campaign committees to file certificates as to expenditures during the course of a campaign. The Communist Party had set up a campaign committee that (T-10,153) fall in Massachusetts, of which I was the treasurer, and the committee had expended the amount of money made clear in the certificate, and the committee had received that money from Alexander Trachtenberg, the treasurer, as it says here, of the National Election Committee of the Communist Party.

Q. When you say the committee had received it, do you mean that you personally had received it? A. No.

Q. You had not received it.

The Court: He distinguishes between himself as an individual and himself as treasurer. He said that yesterday, I think.

Mr. Crockett: No, that is not my understanding.

The Court: Oh, if it isn't, let us clear it up.

Q. When you say "the committee," you are not referring to yourself as treasurer of the committee, are you? A. I am referring to the committee which was given this money by the National Committee for its use.

Q. But you personally never received the money. A. No.

Daniel Boone Schirmer—for Defendants—Redirect

Q. Now I think there was a question put to you yesterday on whether you had written any checks against this sum, is that right? A. That is right.

Q. Do you recall whether or not you did? A. I do not recall. It is not my practice to do that.

(T-10,154) Q. But as treasurer you might have signed some checks? A. I might.

Q. And that was in connection with a radio broadcast? A. It was in connection with radio broadcasts and an ad in the Herald Traveler.

Q. Now was there any question—was the time for the radio broadcast purchased in the name of the Communist Party of Massachusetts? A. Yes.

Q. Did the ad in the Herald Traveler indicate that it was placed there by the Communist Party of Massachusetts? A. Yes.

Mr. Crockett: May I have a moment, please?

The Court: Yes, you may.

(Mr. Crockett confers with associates.)

The Court: Are you the man who put the ad in?

The Witness: I don't remember whether I did directly or not, your Honor. I remember we discussed it.

The Court: Are you the man who made the arrangement with the radio station?

The Witness: I believe I did that.

The Court: Are you the man that paid these things, these two items?

The Witness: I don't remember the direct transferral of payment in my hands.

(T-10,155) Q. Do you recall in what manner, if any, you ascertained the sum of money mentioned there had been received from Mr. Trachtenberg? A. As I recall, a check had been received in the State offices which I saw as I believe at one time or another.

Q. Now I believe this exhibit says "Alexander Trachtenber, treasurer, National Election Campaign Committee, Communist Party, USA." Was the National Election Campaign Committee, Communist Party, USA, the same as the Communist Party? A. No, it was not.

Daniel Boone Schirmer—for Defendants—Recross

Q. How was it set up? Do you know? A. As I recall, it was set up by the National Committee for a specific purpose in the election campaign.

Q. Is it the practice in the Communist Party to set up a National Election Committee for national elections?

Mr. McGohey: Objection.

The Court: He said they did it in this case. Sustained. I don't care about any prior years.

Q. Had it been done in any prior years to your knowledge?

Mr. McGohey: Objection.

The Court: Sustained.

Q. You also testified in response to some questions by Mr. Gordon that you had attended a school, I believe (T-10,156) in the vicinity of Poughkeepsie, and also a school in the vicinity of Boston, is that right? A. That is so.

Q. At that school were you taught anything concerning the overthrow of the Government of the United States by force and violence? A. No, I was not.

* * *

Recross examination by Mr. Gordon:

Q. Mr. Schirmer, did you ever have any business relationship with Alexander Trachtenberg in the Communist Party or in connection with the Communist Party? A. As treasurer of the Campaign Committee I had the relationship just established here.

Q. So that when you answered that question No yesterday you weren't telling the whole truth to the jury?

Mr. Gladstein: That is argumentative and objected to. An improper statement of the record.

The Court: Overruled.

A. I was telling the truth as I recalled it at that time.

Q. Now who else was on this Election Campaign Committee up in Boston? A. It would be a question of conjecture for me to answer that.

Daniel Boone Schirmer—for Defendants—Recross

Q. Well, you say that you served with them in November of 1948? A. That is true.

(T-10,157) Q. But it would be a matter of conjecture for you to answer the question?

Mr. Gladstein: I object to that as argumentative. Also I object to the line of examination. It is not material, not proper recross examination.

The Court: Overruled.

(To witness) Were you the only member of the Committee?

The Witness: No, there were other members.

Q. And you don't remember who they were? A. I do not.

Q. Do you remember how many there were? A. I do not remember that.

Q. You remember nothing about the committee?

Mr. Gladstein: I object to that.

The Court: Sustained.

Q. Now do you always tell the truth? A. I do.

Q. The exact truth? A. In so far as I am capable of seeing it.

Q. When you swore to the truth to this jury at the beginning of your examination did you take the oath seriously? A. I certainly did.

Q. Now you were asked a question, Are you an American citizen? and you replied that you were a direct descendant of Daniel Boone. Do you remember that? (T-10,158) A. That is so.

Q. The Daniel Boone that you are a direct descendant of is not the Daniel Boone who is the pioneer but is your grandfather— A. I am a direct descendant of Daniel Boone who is the pioneer.

Q. Aren't you a descendant of a brother of his, namely, John? A. No.

Q. Or George? A. I am a direct descendant of George Boone who is a brother of Daniel Boone, and my understanding of the term "direct" is that it applies—

Daniel Boone Schirmer—for Defendants—Re-redirect

The Court: You mean to say that if you are a descendant of a brother of somebody that is being a direct descendant of that person?

The Witness: That was my understanding of the term when I said that, your Honor, or I wouldn't have said that.

Mr. Gordon: No further questions, your Honor.

Redirect examination by Mr. Crockett:

Q. Mr. Schirmer, didn't a newspaper correspondent yesterday out in the corridor ask you the same questions that Mr. Gordon has put to you? A. He did.

Mr. Crockett: That is all.

The Court: Next witness.

By Mr. Crockett:

Q. Did you give the newspaper reporter the same answers that you have given here? A. I did.

(T-10,159) Mr. Crockett: Thank you.

The Court: Which one? That you are a direct descendant of Daniel Boone or the direct descendant of a brother of Daniel Boone?

Mr. Gladstein: Now that is improper in view of the testimony of the witness. He has explained and stated. Your Honor is trying to create an impression that there is an inconsistency in the witness's answers.

The Court: Mr. Gladstein, you so often impugn malicious motives to me that I suppose I should get used to it but I assure you I have no such intention.

Mr. Gladstein: I didn't intend to impugn malicious motive.

The Court: You couldn't have done it any more plainly.

Mr. Gladstein: Then the language is inadvertent. What I meant is that the language as used by the Court conveys that impression.

The Court: Let me ask you, what is your understanding of what the witness has just testified was his conversation with the reporter?

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Mr. Gladstein: He was asked did he have a conversation with the newspaper reporter in which he was asked the same question as Mr. Gordon asked. He said he had. He was then asked by Mr. Crockett whether the answer he (T-10,160) had given was the same and he said Yes. What more is there?

The Court: I heard him give two answers. The first time Mr. Gordon asked him right here this morning, he said he was a direct descendant of Daniel Boone. After one or two additional questions he said he was a direct descendant of the brother of Daniel Boone. That is why I asked him which was the answer he gave when he was asked out in the hall.

Now what did the reporter ask you out there?

Mr. Crockett (To witness): Suppose you resume your chair.

The Court: It is not quite clear to me. What did the reporter ask you out there?

The Witness: He asked me if I was a direct descendant of Daniel Boone and I said yes. He said, "Will you tell me how many greats there are?"

The Reporter: How many "greats"?

The Witness: Whether you are great, great, great son or great, great, great or what it is. I said "I have never made a big study of that. I am his great, great nephew," or some number of greats. I said, "I am the descendant from his brother George Boone."

The Court: All right.

(T-10,160-A) *By Mr. Crockett:*

Q. Do you see in the courtroom now the reporter with whom you had that conversation? A. Yes.

(T-10,161) The Court: All right.

Q. Do you see in the courtroom now the reporter with whom you had this conversation? A. Yes.

Q. Will you point him out? A. The first—

Mr. McGohey: I object to this, your Honor.

Colloquy of Court and Counsel

The Court: What difference does it make which reporter—

Mr. McGohey: No relevance whatever, no materiality.

The Court: I was asking Mr. Crockett, what difference does it make which reporter it was?

I think I will sustain the objection.

That is all, thank you, Mr. Schirmer.

Mr. Crockett: May I ask one more question?

The Court: Yes, you may.

Q. Did the reporter tell you that he was investigating for the United States Attorney's office? A. No.

Mr. McGohey: Go ahead, answer that—what was the answer?

The Court: He said no.

Mr. McGohey: He was not investigating for the United States Attorney?

The Court: The answer is—

Mr. Gladstein: He did not say that.

Mr. Crockett: He said the reporter did not tell him that.

(T-10,162) The Court: —he did not say—the reporter did not say—that he was an investigator for the United States Attorney's office.

Mr. McGohey: That is what I understood.

The Court: Now, I think the best thing to do with Mr. Schirmer, if you will take a suggestion from me, is, Mr. Schirmer, you march right out of that witness box and let us not—first thing you know, we will have some utterly irrelevant thing—

(Mr. Gordon rises.)

The Court: —started up here; and I don't want to suggest anything to you, Mr. Gordon, but you cannot possibly have a very important question.

Mr. Gordon: Well, your Honor, there is just one item about it: the operation of—my integrity, I think, is apparently attempted to be impugned by these questions.

The Court: Your integrity has not been assailed at all. The reporter published the interview in the

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newspaper. That is all. I don't want to get into—now, let us get Mr. Schirmer right off the stand here and then have the next witness.

(Witness excused.)

* * *

(T-10,163) FRANCES A. HOOD, called as a witness on behalf of the defendants, being duly sworn, testified as follows:

Direct examination by Mr. Crockett:

Q. Mrs. Hood, do you reside in Boston? A. Yes, sir.

Q. What is your address in Boston? A. 33 Fayston St., Roxbury.

Q. Are you the wife of Otis A. Hood? A. That is right.

Q. Have you any children, Mrs. Hood? A. Yes, I have two little daughters.

Q. Are you a citizen of the United States? A. Yes. I am descended from John and Priscilla Alden on both sides, I think, of my family.

The Court: Now, Mr. Gladstein, you stop that.

Mr. Gladstein: What's that?

The Court: You should stop, or first thing, you know, you will be jumping up and accusing me of laughing; get me started doing it yourself now. Don't play both ends against the middle here.

Mr. Gladstein: I was thinking about that 7 and that 8, your Honor, and I was imagining what you would look like if you had turned into an Eskimo, as you said you would, if that really were so.

Q. Will you tell us what formal education you had, (T-10,164) Mrs. Hood? A. Well, I attended private schools in or near Boston and I graduated from Radcliffe College. Subsequently I did some post-graduate work here and abroad.

Q. Will you keep your voice up so we can hear you. A. I am sorry.

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The Court: What year did you say you graduated from Radcliffe?

The Witness: I didn't say what year.

Q. What year did you graduate? A. 1929.

Q. Now, what employment did you follow upon graduation? A. The first position I had, I was a sort of assistant secretary in a school, and subsequently I taught music.

Q. Are you presently employed anywhere? A. I am only self-employed.

Q. Are you a member of the Communist Party? A. Yes, sir.

Q. I want you to give us—give the jury and the Court some idea as to how a Communist Party club operates. Will you tell me what—

Mr. McGohey: I object to this, your Honor.

The Court: Wait until he finishes the question.

Q. —Will you tell me what, if any, Communist Party club in Boston you belonged to between April 1, 1945, and July 20, 1948? A. During that whole period I belonged to the West End Communist Party Club in Boston.

(T-10,165) Q. During the period I have mentioned did you hold any office in the West End Club in Boston? A. Yes, I was elected chairman of that club each year during that period you describe.

Q. They have elections each year? A. That is right.

Q. Did the West End Club maintain any club headquarters in Boston? A. Yes.

Q. Will you describe your club headquarters for us? A. During the period 1945—

Q. During the period April 1, 1945 to July 20, 1948, the period covered by the indictment. A. At that time our headquarters were on the corner of Cambridge Street, which is the main thoroughfare in that part of Boston, and Hancock Street. The address was 3 Hancock Street. This is a small public building, a two-story brick building.

We had a card at the door which said "West End Communist Club, Room No. 2," something to this effect, "Meetings every other Tuesday," or it may have said "Meetings first and third Tuesdays," I mean, I am not quite sure. On the second floor.

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Q. Was that club headquarters open to or used by the public? A. Well, in this sense—

Mr. McGohey: I object to that, your Honor.

The Court: I take it you cannot answer that (T-10,166) question yes or no.

The Witness: I can answer it, yes.

Q. Will you tell us in what way it was used by the public? A. The headquarters were used as strike relief headquarters during strikes, it was used as a salvage depot during the war, it was used as a depot for clothes to go to Europe, and then it was used as a lending library—had a lending library there of both current pamphlets and basic theoretical works—which was available to the public, and we had socials there and then, of course, our meetings.

Q. How frequently did your club hold meetings? A. On the average of twice a month.

Q. Same kind of meetings each time? A. No, we held—one meeting was a meeting to which the public was particularly invited because it was an educational meeting with some feature like a forum, a panel discussion on some community problems or current events, or a dramatic skit, or a movie, and to these meetings the public was particularly invited. The other meeting was largely a business meeting, with reports of committees and so on.

Q. Now, was there any announcement, public announcement made of these meetings prior to the time of meeting?

Mr. McGohey: Objection.

The Court: Sustained.

(T-10,167) Q. Were the members notified of meetings? A. Certainly.

Q. In what way were they notified?

Mr. McGohey: Objection.

The Court: I will allow it.

Q. (Continuing) Will you tell us in what way the club notified the members of meetings? A. The educational meetings, we usually draw up an attractive mimeographed

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leaflet, advertising the meeting, the time, place, speaker and so forth, and inviting the public to attend. This was—

The Court: Did you hear the question?
Read the question to the witness.

The Witness: I was going to finish the question.

The Court: You have a little bit too much preliminary. Let us get the question.

Q. (Read.)

The Court: Yes, he isn't asking you about the way they notified the public. You know, I sustained an objection to a question of that type just a moment before, and I have noted an inclination on the part of witnesses, when I have sustained an objection to attempt, a question or two later, to drag the answer to the former question in by the heels.

The Witness: That was not—

(T-10,168) Mr. Crockett: I am wondering if your Honor isn't assuming that the membership might not also be notified by attractive mimeographed leaflets.

The Court: Yes, but she wasn't asked about how the public was notified.

Mr. Crockett: She was asked how were the members—

The Court: She was asked how were the members notified.

Mr. Crockett: She hasn't said that leaflets only went to the public.

The Court: Mr. Crockett, I will show you what I am talking about.

(To reporter) Go back to the original question and the answer of the witness, which I interrupted, and read them.

(Record read.)

The Court: "inviting the public to attend", that is just where I came in. She is asked how they notified members, and the answer would be, by delivering the notices or mailing the notices, or something

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of that kind, instead of a long story about what was in the notices.

Mr. Crockett: I am wondering, if the Court please, if any of us can assume what the answer to the question is? She says they were mimeographed leaflets.

The Court: I have a pretty good idea of what (T-10,169) is going on here. There are certain things I don't like and I am not going to have.

Mr. Crockett: I must object to any implication—

The Court: And you must make up your mind to that.

Mr. Crockett: I must object to the implication which I gather from the tone of voice as well as the facial expression used by the Court.

The Court: There is no tone of voice about it at all, except I am making it plain to you that I do not like this idea of sustaining an objection to a question and then having the material dragged in by the heels later. Now, that is all there is to it. If you want to prove how the witness—or how the members were notified, that is a perfectly proper question and the witness may answer it.

Now, Mrs. Hood, tell us, how were they notified.

The Witness: Just let me say, I had no intention of dragging in something by the heels. I thought I was supposed to tell the whole story.

(T-10,170) The Court: Well, you are not supposed to tell the whole story as you consider it to be the whole story. You are supposed to answer the questions. You were not asked what was in the notices but you were asked how the members were notified.

Now how were they notified, by mail or otherwise?

The Witness: Sometimes one, sometimes the other.

The Court: What is the other?

The Witness: If we had a great many leaflets to deliver—that is why I was describing the leaflet. If we had a great many leaflets to be distributed in the neighborhood, they were usually taken person-

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ally to the members because they would be too large to send through the mail.

The Court: So the method of notifying the members was sometimes by mail and sometimes by personal delivery?

The Witness: Right.

Q. When you say "a great many leaflets distributed to the members," why was it necessary to give a member more than one leaflet?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Were the leaflets redistributed by the members themselves?

Mr. McGohey: Objection.

(T-10,171) The Court: Sustained.

(To witness) Did you ever distribute any of these leaflets to members of the public personally?

The Witness: Of course.

Q. Will you tell us what was the usual agenda at one of your business meetings? A. The minutes were read, voted on; then followed reports from various committees, the functioning of the club, reports, for instance, of war activities committees,—

* * *

Q. Did you have any other committees? A. Financial committee, education committee which reported on classes being projected or held—

* * *

Q. Then after the reports from the various committees, what next would appear on the agenda, or did that exhaust the agenda? A. No. As a rule we had a short political discussion, either a discussion on some article in a current publication like Political Affairs, or a discussion on current events.

* * *

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(T-10,172) The Witness: I remember something else I omitted. Should I—

The Court: If you omitted something you may add it now. This is something else that occurred—

The Witness: Yes, at the business meeting of the club. I omitted—the most important thing I forgot, which would be the discussion of the most important campaign taking place at the time. For instance, practically all of our clubs were involved in the campaign for public housing in that area of the city, which was a slum area, and when this campaign was at its height, naturally we discussed the campaign in the club business meeting, or the campaign for the State FEPC, or the campaign for the Lanham Act Nursery School.

Q. Now I call your attention, Mrs. Hood, to the following testimony of the witness Philbrick on page 3157:

“Now after the convention in August of 1945, at any club meeting which you attended did you ever see anyone taking minutes?”

That was a question put by Mr. Gordon, and then the witness Philbrick answered as follows:

(T-10,173) “No, sir, at no meeting in my experience in the Party since this convention have I ever seen minutes being taken of the meeting.”

Question by Mr. Gordon:

“Have you ever heard minutes read at any time at the meetings? A. No, sir, I never heard minutes read at the meetings.”

I believe you just testified that at the top or near the top of the agenda of any of these business meetings was the reading of the minutes; is that right? A. That's right.

Q. And were these minutes read for the approval of the club? A. That's right.

Q. And were they subsequently voted on? A. Always.

Q. Was this a regular practice in your club? A. Yes.

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Q. Now there has been some testimony here, Mrs. Hood, concerning a district convention of the Communist Political Association that was held in Boston in 1945. The testimony has been to the effect that it was in two parts. The first part was July 20-21st, and the second part was August 11th and 12th, 1945.

I ask you, did you attend that convention? A. Yes, I did.

Q. Did you attend both parts of it? A. Yes.

Q. Will you sort of speak up a little?

(T-10,174) In what capacity did you attend the convention? A. I attended as a delegate from my club.

Q. The West End Club? A. That's right.

Q. Now did you participate in the discussion on the floor or in the panels at any time during this convention? A. I believe I participated in both, one of the panels and on the floor.

Q. Were you required to send in a resume or a copy or an outline of what you intended to say at the panel discussions or on the floor of the convention at any time prior to the convention? A. A resume?

Q. A resume or an outline of what you intended to say? A. Why, no—we were asked to send in any amendments suggested and voted on by our club to the draft resolution, but any discussion in which we were going to take part there was no resume of that sent in.

Q. Did you in your capacity as chairman of the West End Club at this time instruct or inform any of your club members that they had to prepare a resume of any remarks that they intended to make at this convention? A. No.

Mr. McGohey: Objection.

The Court: I will allow it.

A. No.

Q. Will you repeat your answer? A. My answer was No.

Q. Where were you seated in that convention, Mrs. (T-10,175) Hood? A. I was seated to the right of the chairman's desk in the front row. This was—

Q. Next to the chairman's desk. Were you in plain view at all times? A. Yes. It was on a raised platform similiar to this (indicating), but I am speaking of the first

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part of the convention in July—on July 21st, I believe it was, Sunday afternoon. I was sitting on the first row.

The Court: To the chairman's right?
The Witness: That is right.

Q. Now will you tell us what the procedure was whenever anyone wanted to speak on the floor of the convention? A. The Rules Committee, I believe it was, submitted a procedure which was voted on at the outset of the convention. This was anyone desiring to speak from the floor sent up their name on a scrap of paper to the chairman. Then the chairman called their name, and the method was to call the name of the next person to speak, and the person following, so that the person following could organize their ideas and be ready to give it, and I believe also a time limit was set. Whether it was five minutes per person I can't say.

Q. Now, was there a vote taken at any time to end the discussion? A. I am pretty sure of that—that is the usual practice at a convention, so as to give (T-10,176) people time.

Q. Do you recall anyone at the convention who asked for an opportunity to speak and was denied an oportunity to speak by the chair?

Mr. McGohey: Objection.

The Court: Before I rule on that, let me ask a question.

Did you have occasion to observe the people who handed up these slips of paper and to watch and keep tabs on whether they were called on in the order in which they handed up their slips, or had you other things to attend to?

The Witness: Your Honor is correct. I had my mind on many things, particularly the points that my club was interested in but—

The Court: So you weren't watching particularly to see whether anybody who handed up the slip was called on in the order in which he handed up the slip?

The Witness: At the convention the people who wanted to speak or determined to speak, every opportunity was given to—

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The Court: Yes, but that isn't what I asked you, however. What I asked you was whether you had occasion to observe that those who handed up the slips were called in the order in which they handed up the slips?

The Witness: I had occasion—

(T-10,177) The Court: Did you observe that or didn't you observe that?

The Witness: Yes, I did have occasion to.

The Court: You told me a moment ago you were busy with other things and did not observe it, did you not?

The Witness: Well, I was not able to see the name on each slip of paper, of course.

The Court: I will sustain the objection.

By Mr. Crockett:

Q. Mrs. Hood, was there a discussion period in your club immediately preceding the district convention in Massachusetts in 1945? A. Yes.

Q. What was discussed during that discussion period?
A. The draft resolution.

(T-10,178) Mr. Crockett: May I see Government's Exhibit 14-A, please?

The Court: Which part of the convention are you now speaking of, Mr. Crockett?

Mr. Crockett: The discussion period that preceded the convention.

The Court: Oh, yes, the discussion period which preceded either branch of the convention?

Mr. Crockett: That is right.

And let me have Government's Exhibit 17 and 25.

Q. Did you have a discussion concerning the draft resolution of the National Committee? A. Yes, sir.

The Court: That is the resolution of June 2nd, is it not?

Mr. Crockett: I think that is a National Board resolution.

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The Court: Well, I am asking the question merely to have the record clear, as is my purpose in asking many questions.

The Witness: Let me answer it.

The Court: I am just trying to give the hint to Mr. Crockett to make it a little bit more specific, I am sure he will do that.

Q. I show you Government's Exhibit 17 and call your attention to page 579, to the resolution entitled "The (T-10,179) present situation and the next tasks.

"The draft resolution of the National Board of the Communist Political Association as amended and approved by the National Committee on June 20th," and I ask you if that is the resolution concerning which you had this discussion in the club? A. This is the document.

Q. Now do you recall whether there were any suggested changes or resolutions adopted by your club concerning that draft resolution of the National Committee? In the course of the discussion were any amendments proposed in your club? A. Yes, there were several amendments.

Q. And what was done about those proposed amendments in your club? A. They were discussed, voted on, and they were sent in to the resolutions chairman or whoever was temporary resolutions chairman of the Convention Committee.

Q. Now were those—

Mr. McGohey: Could we have which convention the witness is referring to?

The Witness: The first.

Mr. McGohey: Not the National Convention but the convention in Boston?

The Court: This is the convention in Boston that you have been telling us about before?

(T-10,180) The Witness: Yes.

Mr. McGohey: Thank you.

Q. Now these amendments were sent in to the district convention. Were your club delegates instructed with reference to these amendments? A. Our club delegates were instructed to represent the sentiment of the club on the convention floor, naturally.

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Q. With reference to these amendments? A. That is right.

Q. Now did you as a delegate from your club speak in regard to any of these amendments that were proposed by your club? A. I did.

Q. Now tell us first what the amendments were concerning which you spoke. A. I remember specifically speaking on an amendment on the question of job status and seniority, equal pay for equal work, and so on, of women, particularly women in industry. This was of special interest to our club and we felt there was a distinct lack in the original draft resolution. Therefore we submitted a rough draft of an amendment on this subject, and I remember bringing it up on the convention floor that Sunday afternoon.

I believe I also spoke on it in the panel on labor, trade union affairs in the morning.

Q. Now do you recall what, if any, action was taken (T-10,181) by the district convention of Massachusetts on the amendment proposed by your club? A. It was approved with perhaps some minor changes in expression or grammar or points that we had forgotten.

Q. Do you know whether or not what was proposed in the amendment concerning which you testified you spoke to the district convention is incorporated in any manner in the final resolution adopted by the National Convention here in New York in 1945? A. It was.

Q. Can you by comparing the National Committee resolution which is before you with the final resolution adopted by the National Convention here in New York indicate to the jury how your amendment is reflected in the final resolution? A. I think I could.

The Court: Now before you do that, Mr. Crockett, I want to have before me the final resolution. I have here the draft resolution of June 2, 1945, also this amended draft resolution of June 20, 1945, but the final resolution I have not got.

What is the number of that?

Mr. Crockett: I think that is Exhibit 25.

The Court: Exhibit 25?

Mr. Crockett: For identification, if the (T-10,182) Court please.

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The Court: Yes. That is in evidence as 25-A. Perhaps somebody can furnish me with a copy of that. September 1945 issue of Political Affairs.

(Handed to the Court.)

The Court: Thank you.

Very well, Mrs. Hood, you may proceed.

The Witness: I haven't the exhibit. I just have one.

The Court: Oh.

Q. Now I show you Government's Exhibit 25, Political Affairs for September 1945, and I call your attention to page 816 and to the resolution entitled "Present situation and the next tasks.

"Resolution of the National Convention of Communist Party, USA, adopted July 28, 1945."

* * *

(Short recess.)

(T-10,183) Mr. Crockett: I recall, if the Court please, that yesterday there was received in evidence Exhibit 9 x I and I never did pass it to the jury. May I have time now to pass it to the jury before this examination?

The Court: Just a moment. Let me take a look at it. 9 x I?

Mr. Crockett: 9 x I.

The Court: Yes, you may hand that to the jury or you may read it to them. Do whichever you choose.

Mr. Crockett: I think I can just hand it to them. It saves time.

The Court: That's all right.

(Exhibit handed to the jury.)

(A pause.)

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By Mr. Crockett:

Q. At the time of the recess, Mrs. Hood, I think you were about to indicate to us, by comparison of the National Committee resolution and the final resolution of the convention, how the amendments proposed by your club are reflected in the resolution of the final convention, is that right? A. That is right.

Q. Now, will you proceed to point them out, please, and call our attention to the pages so that his Honor can follow it on his copy and the United States Attorney (T-10,184) may follow it, and then you can read it. A. As I remember, I made specific reference to the amendment on the condition of women in industry—women on the job, which was a sort of pet subject of our club. We found in the draft resolution that although there were very good proposals for on-the-job status, general proposals, seniorities, jobs after the war and so forth—

Q. That is on the—pardon me. A. Yes.

Q. That is Government's Exhibit 17, July 1945 issue of Political Affairs? A. Yes, right. We found, although there were good general proposals for working conditions, there was no specific mention of women and we felt this was a serious lack. Therefore, we made a draft amendment to the resolution, on which I spoke at the convention, as previously stated.

Now, do you want me to refer to each page?

Q. Yes, let us know which page it is.

The Court: You can read that. You can find it
in the—

A. In the first document, page 585.

Q. Now, look on the back—

Mr. McGohey: Pardon me.

Q. —and tell us what the first document is.

Mr. McGohey: Yes.

A. No. 17.

(T-10,185) Mr. McGohey: If she will refer to it by the exhibit number, Mr. Crockett, it will help.

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The Court: Yes. I think the witness refers to Exhibit 17.

The Witness: 17, page 585.

A. (Continuing) Under Roman numeral III, "Meet the human needs of reconversion—Push the fight for 60 million jobs." It is quite long. Do you want me to read all that?

Q. No, it isn't necessary.

The Court: You can just make an explanation the way you want to make it.

The Witness: Yes.

The Court: Now, I think what you desire to say, in substance, is that in that subdivision III on page 585 there is no specific reference to women?

The Witness: That is right.

The Court: And then you are going to turn to this Exhibit 25 and find the part of that resolution, as finally passed on July 28, 1945, which contains the reference to women, which you may read.

The Witness: Well, also in Exhibit 17 our club noted on page 587, part II, section 5, the following:

"The foregoing program will not be easy to win. The reactionaries will seek desperately to divide the ranks of the people, to pit one group against (T-10,186) the other—veterans and farmers against labor, Gentile against Jew, white against Negro, Protestant against Catholic, A.F. of L. against C.I.O." and so on.

Now we felt here they should have added "men against women" because—

Mr. McGohey: If the Court please, I think I must object to the statement of the witness "we felt." As I understand the question, it was what amendments were proposed in the Massachusetts State or District Convention and to what extent, if any, those proposals were incorporated in the final resolution adopted at the convention.

The Court: Well, I think I know just what she means to say. Let me see if I can clear it up.

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(To witness) I think, Mrs. Hood, you meant to say that in the West End Club a resolution was duly passed, to the effect that an amendment should be suggested to this Part II on page 587, to add the words "men against women." Am I right about that?

The Witness: That is the way it happened.

The Court: Yes. So that when you say "we felt that," you meant to say that it had come up regularly in the club and the resolution had been passed to that effect.

Now you may go right on.

Q. In speaking—pardon me—in speaking before the district convention, as you testified, in support of the (T-10,187) amendment proposed by your club, did you specifically call for amending this particular section or did you speak about the old problem of men and women, and some specific mention somewhere in the resolution concerning women? A. We mentioned this particular sentence here. We felt we had voted on an amendment to this particular section.

The Court: You don't mean "we." You mean "I", Mrs. Hood.

The Witness: I mean our club had voted on it and I was speaking for the club.

The Court: It is "I". "I was saying to the convention so and so on both of these subjects." Am I right?

The Witness: I will have to get the proper formulation. I have never been in court before.

The Court: It isn't a question of proper formulation. When you say "we feel this, we feel that, we say this, and we say that," it doesn't mean a thing.

The Witness: I see.

The Court: Because what Mr. Crockett is asking is what you said personally, individually, "I." It isn't a formula; it must be a fact.

Now you go ahead and tell us now about those two amendments. You have already spoken about how the club desired them to be made by passing this

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resolution, (T-10,188) and that you spoke in support of both of those amendments before the convention. Now you may point out to the jury in the final resolution just how, if it so happened, that those amendments were adopted, and if you prefer—

The Witness: May I ask a question?

The Court: —to do it some other way, you may do it.

The Witness: May I ask a question? Is it now in the record that I spoke on the convention floor on both these points before I pass to this other document.

Mr. Crockett: I think you said you did.

The Court: I think you did, too.

The Witness: I did not know whether the objection had occurred.

The Court: I have been trying by my colloquy to make it clear.

The Witness: Well, I know you said it, but I do not know whether it is in the record.

The Court: Now you do say it now?

The Witness: I do.

The Court: All right. Now you go ahead and find these subjects and explain them and read them to the jury in the final resolution.

(T-10,189) A. Now after the National Convention in document No.—what number is this?

Q. Is that Government's Exhibit 25? A. 25.

Q. Now that contains the resolution of the National Convention that was adopted here in New York on July 28, 1945? A. Correct.

Q. Now you are going to point out for us that portion of this National resolution that reflects what it was your club wanted included in the final draft of the resolution of the Communist Party, September 1945? A. Yes.

The Court: And which was included.

Mr. Crockett: That is right.

A. (Continued) I find in document No. 25 page 823 under "Push the fight for sixty million jobs—meet the human

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needs of reconversion!" Then it starts with a statement to support the Murray full employment bill, the next maximum employment, revision of Little Steel formula, minimum wage, support the seamen's Bill of Rights, which is something we also spoke on, defend the wartime gains of Negro workers in industry, which is something I also spoke on, annual wage in industry.

The Court: You were going to point out where they put in a part about the women.

The Witness: I am right here now. It is right here. I thought rather than read the whole preliminary (T-10,190) part I would summarize it.

Q. Read the part that refers to women. A. "Enforce the right to work and to equality in job status for women. Guarantee the exercise of this right by adequate training, upgrading, seniority rights, as well as by providing day nurseries and child-care centers to aid all working mothers. Safeguard and extend existing social legislation for women, as workers and mothers, and abolish all discriminatory legislation against women."

This is the paragraph.

Q. That reflected what your club wanted added to this draft? A. That is right.

Q. That was not in this committee draft resolution, is that right? A. That is right.

Q. After the district convention in Massachusetts—

The Court: Let her find the other one. She says there was another one besides, adding the words "men against women" in the other part. Don't you remember that, Mrs. Hood?

Mr. Crockett: I think she pointed out the omission.

The Court: Why, yes, and then she was going to point out the inclusion later on.

Mr. Crockett: I don't think that was her (T-10,191) testimony.

The Court: Her testimony was that there were two omissions, one of which she has pointed out and one of which she has not.

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Mr. Crockett: I take it that this part she read reflects the gist of both amendments.

The Court: About the men against women?

Mr. Crockett: The men against women also.

Q. Is that what you are saying?

The Court: She did not say that yet.

A. I really don't remember the part—

The Court: And I don't see anything in there about men against women.

The Witness: May I say something?

The Court: Well, you may answer this question:

By the Court:

Q. Do you remember you pointed out on page 587 of Exhibit 17, which is the amended draft resolution of June 20th, that there was a reference there to the effect that reactionaries, as it was said, were seeking desperately to divide the ranks of the people, to pit one group against the other—veterans and farmers against labor, Gentile against Jew, white against Negro, and so on, and that your club had proposed that there be added to that the words "men against women." Do you remember that? (T-10,192) A. Yes.

Q. Now can you point out any place in the final resolution of July 28, 1945, where this paragraph which you read to the jury was amended by adding the words "men against women"? A. No, it is not there, but I could testify about subsequent discussion in the club as regards this.

Q. Well, I think that closes that part. I thought you had intended to say that you suggested those two amendments as the result of the resolutions in your West End Club and that they were both passed, but I see now that what you say instead is that they were both proposed and that there was the change made that you have read.

The Court: Now you may go on, Mr. Crockett.

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By Mr. Crockett:

Q. Now was there any discussion of the final draft of the resolution that is in Government's Exhibit No. 25 subsequent to the time of the district convention? A. Yes, certainly.

Q. And can you tell me whether or not there was any discussion as to whether this final draft reflected the amendments that your club wanted included in the final draft?

Mr. McGohey: Objection.

The Court: Sustained.

(T-10,193) Q. Did you make a report to your club as a delegate returning from the district convention in 1945? A. I was not a delegate to the National Convention.

Q. No, I say from the district convention of 1945, Massachusetts district convention? A. I believe I did.

Q. Do you know whether or not you did make a report? A. I cannot tell you what date it was exactly, but as a delegate for the club I was required to report back to the club.

Q. And you did report back? A. Yes.

Q. And in the course of your report did you discuss the final resolution of the Communist Party that had been approved in New York, that is Government's Exhibit No. 25? A. Yes.

Mr. McGohey: Objection.

The Court: Sustained.

You see, Mr. Crockett, anybody who reads these two resolutions can see whether these amendments or either of them or both of them were incorporated in the final resolution. What this lady might have said about it one way or another couldn't change it. It is all there for all to see. So I hold that any report that she made is quite immaterial.

Q. In the course of your report to your club following the Massachusetts State Convention in 1945 did you discuss (T-10,194) the decisions of that Massachusetts State Convention?

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Mr. McGohey: Objection.
The Court: Sustained.

Q. I show you Defendants' Exhibit EE for identification, and I ask you if you recognize that document (handing)? A. Yes, I do.

Q. Will you tell us when and where you first saw it? A. It was given to me as club chairman for the use of the club in furthering the carrying out of the convention decisions.

The Court: Now I don't know what I am going to do about this, Mrs. Hood. He asked you one question and you want to explain something else, so you go ahead and answer some question he didn't ask you. What he asked you was when and where you first saw it. You know, I listen too. I am paying attention. You answered some question that he didn't ask you and that is what is causing the difficulty and considerable delay.

Q. Did you make any use of that document? A. Yes.

The Court: Let's get the other question answered first—when and where she first saw it.

Q. Do you recall when you first saw the—

The Court: No. She is going to answer the same question you put before, and I am asking it myself. When and where did you first see the original of the paper or (T-10,195) a copy thereof?

The Witness: Shortly after the district convention.

The Court: Where?

The Witness: Well, I suppose it was given to me at the club headquarters.

The Court: Not what you suppose but where do you say you saw it?

The Witness: I don't recall whether it was at my house or the club headquarters.

The Court: Either at your home or at the club headquarters?

The Witness: Either one.

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By Mr. Crockett:

Q. Now, what, if any, use did you make of that document after you received it?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you use the document in any portion of your work as chairman of the West End Club subsequent to the time you received it and before July 1, 1948?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Crockett: May I have the basis of the Court's ruling?

The Court: No, I don't desire to comment upon (T-10,196) that. It seems very plain to me.

Mr. Crockett: Does the objection go to form or to the substance?

The Court: The question is objectionable and I have sustained the objection. If you desire to bring some specific fact out, you may do so if it is relevant.

Q. Did you receive Defendants' Exhibit EE for identification in your capacity as chairman of the West End Club of the Communist Party?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Crockett: I offer Defendants' Exhibit EE for identification in evidence.
Mr. McGohey: Objection.
The Court: Sustained.

Q. I show you, Mrs. Hood, Defendants' Exhibit PP for identification, and I ask you if you recognize that document? A. I do.

Q. Do you recall when you first received it? A. Somewhere in the month of February 1946.

Q. Do you recall, or rather, can you state whether or not that document was distributed by the West End Club at any time during the year 1946?

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Mr. McGohey: Objection.

The Court: Did you see anybody handing out copies (T-10,197) of that at the club?

The Witness: Yes.

The Court: At or about that same time, February 1946?

The Witness: That is right.

The Court: Who was handing it around?

The Witness: Well, there was a table.

The Court: What is that?

The Witness: There was a table with literature and there was a pile of these on the table along with a pile of books dealing with Negro History Week.

The Court: So there wasn't anybody handing it around?

The Witness: Well, I wanted to go on. During the course of the agenda attention was called to this leaflet on Negro History Week and the members were asked to take these and distribute them. So they picked them up from the table as they were buying their literature and taking free literature.

(T-10,198) Q. Was Negro History Week customarily observed by your club in the month of February?

Mr. McGohey: Objection.

The Court: Read the question. I was making a note.

Q. (Read.) A. Yes, it was. Not always by our club alone. Sometimes the city organization held a mass meeting I shouldn't have—

The Court: You weren't asked about that, Mrs. Hood.

The Witness: Well, I was qualifying my statement.

The Court: Yes, you always like to add something, like all the rest of these witnesses.

The Witness: I like to tell the full truth, your Honor.

The Court: Yes. Well, you will listen to the questions, Mrs. Hood, and you will answer them re-

Colloquy of Court and Counsel

sponsively and you will not add explanations that you are not asked for. Now, please bear that in mind.

Q. Let me suggest, Mrs. Hood, that whenever there is something that you want to add, you first obtain his Honor's permission to ask the question or to answer more about it. A. O.K.

Mr. Crockett: I offer Defendants' Exhibit PP for identification in evidence.

(T-10,199) Mr. McGohey: Objection.

The Court: I will hear you on that, Mr. McGohey.

Mr. McGohey: If the Court please, this exhibit was offered a couple of times before. First of all, in my view, there isn't anything in here that has any relevance at all to the issues of the case. And, secondly, if there be anything in here which has relevance in the case, it is repetitious in the tenth or twelfth degree.

The Court: Yes, but there is this conflict in testimony between Mr. Philbrick on the one hand and the witness Schirmer on the other.

Mr. McGohey: Yes.

The Court: And the date of itself may be of some relevancy, it seems to me.

Mr. McGohey: Well, if the Court please, there isn't anything—if the Court recalls what this piece of paper contains, there is nothing in here which of itself is contradictory of the witness Philbrick's testimony. There is no date on here.

The Court: Well, I do not know that I agree with you about that.

Mr. McGohey: Well, there is a date mentioned.

The Court: I am not referring to any pencil date. I am not referring to the date in pencil.

Mr. McGohey: No, no, I assumed that. I assume (T-10,200) your Honor is referring to the year mentioned up on the first line of that exhibit.

The Court: Yes, I am.

Mr. McGohey: But I submit, your Honor, that that does not at all contradict Philbrick.

*Excerpts From Defendants' Exhibit PP,
Read into Record*

The Court: Well, possibly not, but it seems to me that in order to evaluate the situation as a whole it is only reasonable to have this before the jury. I will overrule your objection.

(Defendants' Exhibit PP for identification received in evidence.)

The Court: I suggest in your reading it, although I do not give a direction as to it, I suggest that you cover the part that you deem material here without reading all that other part that is somewhat repetitious. I do not, however, make that as a direction because the entire paper has been received and you may read it all.

Mr. McGohey: If the Court please, I wish to inquire whether or not the pencil writing is included?

The Court: No, the pencil writing is not received as part of the exhibit.

Mr. McGohey: I assumed that was not part of the exhibit.

Mr. Crockett: That is right.

The Court: No, it is not part of the exhibit. (T-10,201) There is no testimony as to how they got there or who put it on and it is not part of the exhibit.

Mr. Crockett: If the Court please, I should like to read only those paragraphs of this exhibit that refer to a date.

The Court: That is what I thought you were going to do.

Mr. Crockett: And then pass the exhibit to the jury.

The Court: You may do that.

Mr. Crockett: "Negro History Week 1946 is the proud celebration of glorious pages of history.

"Its commemoration in 1946 coincides with the greatest strike struggles of the American labor movement, in which Negro and white are united solidly in the struggle against Big Business.

"Its celebration in 1946 marks a period, however, when the question of jobs in factories and