

Frances A. Hood—for Defendants—Direct

public utilities for the Negro people of Boston is of crucial importance.

"The Communist Party greets Negro History Week 1946 and pledges its full support in the fight for jobs and democratic opportunities."

Now I pass it to the jury.

(A pause.)

(T-10,202) *By Mr. Crockett:*

Q. Mrs. Hood, the witness Philbrick testified in this case, page 2682, that he attended a teacher training course in Boston on or about October 15, 1945, which was held at West End Club headquarters. I believe you said that is the headquarters for your club. A. That is.

The Court: What is the date, Mr. Crockett?

Mr. Crockett: October 15, 1945, is the date he said the first meeting was held.

Mr. Gordon: on 2682?

Mr. Crockett: 2682.

Mr. Gordon: Nothing like that on there.

Mr. Crockett: I am not saying that exact date is indicated on that page, Mr. Gordon. I said you will find the testimony beginning approximately at that page.

Mr. McGohey: Well, let's see.

Q. He also testified that Miss Hartman, at the first session of this course, defined revolution as follows, and I quote, "a violent revolution to be carried out by bands of armed workers against the existing state government," and I ask you, first, if you were present at this teacher training course? A. Yes, I was.

Q. Were you present at each session of it? A. I believe so.

Q. Were you present at this first session? A. Yes.

(T-10,203) Q. Did Mrs. Fanny Hartman make any statements at this first session? A. Any such statement?

Q. Did she say anything at this first session? A. Yes, she did.

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Q. Did she define revolution as "a violent revolution to be carried out by bands of armed workers against the existing state government"? A. Absolutely not.

Q. Do you know the witness Philbrick, who testified in this case? A. Yes, I do.

Q. Was he present at this teacher training course to which I have referred? A. I don't remember seeing him there.

Q. Were there any guest teachers at this first meeting or at any subsequent session of this course that you attended? A. Guest teachers?

Q. Yes. A. No.

(T-10,204) Q. Did Fanny Hartman at this first course say anything about revolution, and in the course of any such statement make any mention of "armed bands"? A. I am sorry, did you say the first session, Mr. Crockett?

Q. Yes.

The Court: Well, the way the question is asked—

The Witness: I would like to hear the question again.

The Court: —she said "no," so why don't you split it up, Mr. Crockett.

Q. At this session or any subsequent session was anything said about "armed bands"? A. I think something was, yes.

Q. Do you recall what was said and who said it? A. At a subsequent session.

Q. Do you recall what was said and who said it? A. May I go on or am I dragging it in by the heels if I go on?

The Court: Well you haven't yet.

The Witness: All right.

The Court: Perhaps you will get a chance. I don't think you are going to get it. Now he is asking you—

Just read the question, Mr. Reporter. There is no occasion for talking about dragging in by the heels (T-10,205) that I can see.

Mr. Crockett: I think your Honor's last statement was entirely uncalled for, and I ask that you instruct the jury to disregard it.

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The Court: Well I made it and stand by it.
Just listen to the question.

(Question read as follows: "Do you recall what was said and who said it?")

The Court: You will have to go back to the question before.

(Record read as follows:)

"Q. At this session or any subsequent session was anything said about 'armed bands'? A. I think something was, yes.

"Q. Do you recall what was said and who said it? A. At a subsequent session.

"Q. Do you recall what was said and who said it?"

A. Fanny Hartman used the word "armed bands" in just one connotation, as I remember. That was in reference to—

Mr. McGohey: I object to the "one connotation," your Honor.

The Court: Yes.

Mr. McGohey: If we are going to have a statement we ought to have what she said.

The Court: That is right.

(T-10,206) A. She used it in this connotation—

Mr. McGohey: I objection to the "connotation."

The Court: Well, strike it out.

Mr. Crockett: Perhaps her English is too precise for the United States Attorney.

A. (Continuing) "In this connection" perhaps is better.

The Court: What did she say?

Mr. McGohey: If your Honor please, did your Honor hear what Mr. Crockett said?

The Court: No, I did not.

Mr. McGohey: Well, Mr. Crockett has just observed to the witness that perhaps her English is too precise for the United States Attorney. Now whether the United States Attorney is able to un-

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derstand this formulation of the word is of no moment. The United States Attorney, I submit, as any other lawyer, is entitled to object when he thinks he has to, and all I am asking from the witness is what I believe the rules require, a statement of what was said, not the witness's mental operation of the connotation in which it was said.

The Court: That is right. You will please refrain from comments of that character, Mr. Crockett. We have had a great deal of that thing earlier in the trial. Recently we have been going along on a more (T-10,207) even keel, and I think we should continue.

Q. Don't use the expression "connotation," Mrs. Hood. Just think of some simple formulation that repeats the gist of what Fanny Hartman said, that in the saying of which she said anything about "armed bands" or "bands of armed workers."

Mr. McGohey: Pardon me, your Honor, may I be heard now? I ask, in view of that, that the Court instruct the witness that the witness is not to give her own mental operation in answer to this kind of a question but is under an obligation merely to state the fact of what somebody said, if anybody said it.

The Court: Yes. The question is what Miss Hartman said on the subject of armed bands. You will please give us your best recollection as to that. You need not use her precise words but tell us the substance of what she said.

The Witness: Miss Hartman said that during the American Revolution our forefathers formed themselves into armed bands to defend their country against King George and the British tyrants.

Q. Now in the course of his testimony the witness Philbrick also testified that he was taught in this course—and I quote from page 9904 of the record—no, I think that is the wrong record reference.

(T-10,208) Mr. McGohey: It must be.

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Q. (Continuing) This is 2736—he testified that he was taught in the course of this class that the time of the revolution in the United States will take place under two circumstances, and he mentions as one circumstance the “case of a depression, a heavy depression”, and a second circumstance, “In case of a war, in which case the war would be converted into a civil war, and under either circumstance it would result in the overthrow of the capitalist class and the establishment of the dictatorship of the proletariat,” and I ask you if that was taught or said or advocated by anyone at this course?

Mr. McGahey: Objection as to form.

The Court: Sustained as to form.

Q. Did anyone at this course state that the time for a war in the United States would be in the case of a depression—I withdraw that.

State that the time for a revolution in the United States would be in the case of a depression, a heavy depression or in the case of a war? A. No.

Q. Did anyone at that course state that in the case of a war that war would be converted into a civil war here in the United States? A. I remember no such discussion.

* * *

(T-10,209) Q. One final question, Mrs. Hood: Are you familiar with the book “Towards A Soviet America” by William Z. Foster? A. No.

Q. Never read it? A. I never heard of it until I read about it in the Daily Worker a few weeks ago.

Mr. Crockett: Thank you.
You may inquire, Mr. Gordon.

(T-10,210) *Cross examination by Mr. McGahey:*

Q. Mrs. Hood, you have told us that you became a member of the Communist Party. Did you tell us when? A. Some time in the early part of 1936.

Q. And where? A. It was in Indianapolis.

Q. Did you join a club there? A. Yes.

Q. What club did you join? A. I don't remember the name.

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Q. Were you recruited into the Party by someone? A. No.

Q. Will you tell us the circumstances under which you came to join this Party? A. I had been looking for something like the Communist Party and I went to a public meeting and—

Q. Where, please? A. I don't remember what building it was at.

Q. Well, was it in Indianapolis? A. It was in Indianapolis, yes.

Q. And it was in 1936? A. That's right.

Q. Yes? A. I inquired where the headquarters of the Party were—

Q. Now pardon me just a minute. You say you went to a public meeting. Will you describe the meeting, please? A. I don't remember all the details of it, Mr. GeGohey.

(T-10,211) Q. Well, was it an outdoor meeting or was it in a hall? A. It was an indoor meeting.

Q. And under what auspices was the meeting being held? A. I think it was the Communist Party.

Q. And were there speakers? A. There were speakers.

Q. Tell me, how did you first learn that the meeting was going to be held? A. It was a meeting on the question of collective security.

Q. What? A. Collective security.

Q. Collective security? A. Collective security for peace, and I was particularly interested in that question.

Q. And how did you come to learn that the meeting was going to be held? A. I suppose I saw a notice or I got a leaflet. I don't remember exactly how it came to my knowledge.

Q. Well, did somebody tell you about it? A. Possibly; I don't remember.

Q. Did you go to the meeting with anybody? A. I think I went alone.

Q. Very well; and it was in the evening, was it, or was it in the daytime? A. I think it was in the evening.

Q. In the evening; and was there more than one speaker? A. There were several.

Q. Several speakers. Was one speaker the main (T-10,212) speaker? A. I think so.

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Q. And who was that main speaker? A. As I recall, he was the leader of the Communist Party in Indianapolis at that time.

Q. And what was his name? A. He left not long after, and I don't remember his name.

Q. Did you know his name at the time? A. I presume I asked somebody his name when I went up to speak to him, but I suppose I found out.

Q. I prefer to know not what you suppose but what you know. A. I did not know his name ahead of time, if that is what you mean.

Q. Who presided at the meeting? A. I have no recollection of that.

Q. How many speakers addressed the meeting? A. I have no recollection of that either.

Q. Approximately how many people attended the meeting? A. As I remember the hall, there may have been 100 people there.

Q. Was it at the headquarters of the Party? A. No, it was not.

Q. Were you just visiting in Indianapolis at that time or were you living there regularly? A. I was living there at the time.

Q. And were you engaged in some occupation at that (T-10,213) time in Indianapolis? A. That is right.

Q. And what was your occupation? A. I was teaching school.

Q. Where were you teaching? A. I was teaching at the Orchard School in Indianapolis.

Q. Is that a high school or a grade school or college? A. No, it is an elementary school.

Q. An elementary school. Was it a private school? A. That's right.

Q. And how long had you been living in Indianapolis at this time? A. About three and a half years.

Q. And had you been teaching at the school during all of that period? A. That is right.

Q. At the same school? A. At the same school.

Q. And where were you living in Indianapolis? What was your address? A. I had two addresses. I am not sure of the number of the first one. It was on North Meridian Street, and I don't remember the number.

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The second address was Balsam Avenue—I think it was 3540 Balsam Avenue.

Q. Were you married at that time? A. No, sir.

Q. What was your name before you became married?

A. Frances Allen.

Q. Frances Allen, and that is the name—that was your name at that time when you were teaching at that (T-10,214) school? A. That is right.

Q. Now you say that after—as I understand your testimony, after you attended this meeting that you have described, you then said you made some inquiry about the Communist Party? A. Yes.

Q. And of whom did you make the inquiry? A. Of the main speaker. I went up to speak to him after the meeting was over.

Q. And what did you ask him? A. I told him that I was very much interested in the Party and I would like to find out about joining.

Q. Was he a member of the Communist Party? A. Well, I presume so.

Q. Well, did you ask him? A. I didn't ask him.

Q. Did he tell you? A. No.

Q. Well, what did he say to you when you told him that you were interested in the Party? A. He asked me if I knew anything about it.

Q. And what did you say? A. I said I knew very little except I had been reading the Daily Worker and the Sunday Worker.

Q. How long had you been reading those papers at that time? A. Not too long. I don't remember precisely, Mr. McGohey. It may have been for about a year—six or eight months to a year.

(T-10,215) Q. Were you a subscriber to the Daily Worker? A. I did not subscribe, I believe, until after I joined the Party, but I couldn't swear to that. I may have subscribed a little while before.

Q. Now you had this conversation with the principal speaker—by the way, now having told us that you went up and spoke to him, is your recollection refreshed at all as to what his name was? A. No, it is not, not even the first

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name or a nickname or anything. As I say, he left the district soon after that.

Q. Well, you asked him about the Party, you told us, and then he asked you what you knew about it and you told him not very much, that you had just read the Daily Worker and the Sunday Worker? A. And I also told him that I had read a few books.

Q. What books had you read? A. I had read the Communist Manifesto.

Q. When did you first read that? A. I read it first in college. I read it again in 1936.

Q. I beg pardon? A. I read it in 1936 and I had read it about 1927.

Q. Now what other books did you tell this person you had read? A. The other books I had read were not Party publications. They were books by Anna Louise (T-10,216) Strong, books by John Strachey.

Q. Very well. Now tell us the rest of the conversation with this person. A. He asked me if I would like to come down to the office and talk with him over there, and I agreed to do that.

Q. You did go to the office? A. I didn't make a definite date with him. Subsequently I went to the office.

Q. You went to the office. Now do you mean the offices of the Communist Party in Indianapolis? A. That is right.

Q. And where was that? A. I don't have the address in mind. It was in the central part of town.

Q. Do you know the street? A. If somebody said it to me I might recognize it.

Q. Do you remember— A. It may have been something or other Ohio Street, but I am not sure.

Q. It may have been an Ohio Street. What kind of a building was it? A. It was a public office building.

Q. And on what floor was it?

* * *

(Recess to 2.30 p.m.)

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(T-10,217) AFTERNOON SESSION

FRANCES A. HOOD, resumed the stand.

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. McCabe and Mr. Isserman, with respect to whom the usual stipulation has been signed and filed, and the attorneys for the Government are present.

Very well, Mr. McGohey.

Cross examination continued by Mr. McGohey:

Q. Now, Mrs. Hood, just before we recessed for lunch you had told us that you joined the Communist Party in Indianapolis in 1936. What part of the year 1936 was that, by the way? A. It was in the spring. I am not sure of the exact date.

Q. Have you remained a member of the Communist Party or did you—

Mr. McGohey: I withdraw that.

Q. Did you remain a member of the Communist Party from then up until April or May of 1944? A. That is about it.

Q. And then did you join the political—Communist Political Association? A. Yes, that's right.

Q. And after the Communist Party was reconstituted (T-10,218) at its convention in July 1945 you rejoined the Communist Party, did you? A. Yes.

Q. And you have remained a member of the Communist Party right up until the present moment, is that correct? A. Yes.

Q. How long did you stay in—

Mr. McGohey: I withdraw that.

Q. What club did you join when you became a member of the Communist Party in Indianaoplis?

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Mr. Gladstein: That has been asked and answered, I believe.

A. I testified before, I didn't remember the name of the club.

The Court: What is that?

Mr. Gladstein: It has been asked and answered, I believe.

The Court: She said before lunch that she could not remember the name of the club and she says now that she still cannot remember.

Am I right about that, Mrs. Hood?

The Witness: Yes.

Q. How long did you remain in Indianapolis after you joined the Communist Party? A. I left Indianapolis in June 1936.

Q. At the time you joined the Party were you given (T-10,219) any pamphlets of the Party or any literature of the Party to read? A. Yes, I believe I was.

Q. What were you given? A. The main pamphlet we were studying was the report by George Dimitrov on the United front against fascism. I forgot the exact title.

Q. You say the main pamphlet that you were studying was this report of Dimitrov. Whom did you include in "we"? A. The club.

Q. The club of which you were a member? A. That is right.

Q. Now, that report that you studied, the report of Dimitrov that you studied in 1936, has been revived by the Party since that time, has it not? A. I don't know.

Q. Is that the only time you ever saw it in connection with your work in the Communist Party, in 1936, in Indianapolis? A. No; I thought you said "revived."

Q. "Revived." A. Oh, revived? Oh, of course.

Q. At any time shortly after you joined the Party or at any time since, have you read Mr. Foster's book From Bryan to Stalin? A. I may have read portions of it. I never made a study of it.

Q. Well, did you read it? A. As I say, I may have read portions of it.

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Q. You say you may have. I ask you, Mrs. Hood, did (T-10,220) you or did you not? A. I think I did. We have it in our library.

Q. "Our library," you mean the library— A. At my home.

Q. (Continuing) At your home? Do you also—is it also in the library of your club in Boston? A. I really don't remember.

Q. You are the chairman of your club? A. Yes. I don't know every single book that was in that collection.

Q. Do you know whether it was ever in the library? A. I couldn't testify to it.

Q. I ask you, Mrs. Hood, do you know whether or not it was ever in the library? A. No, I don't know.

(T-10,221) Q. Do you know whether it is there at the present time?

Mr. Crockett: I object, your Honor. It is repetitious. The witness has answered that question at least on two occasions. The question was whether or not it was in the library and she answered that she didn't know. Now the second question is, is it there at the present time.

Mr. McGohey: That is the question.

The Court: Well, it doesn't seem to me a very harmful question. It is a little repetitious. I will sustain the objection to that.

Q. Mrs. Hood, I show you Government's Exhibit 186-A, which is a paragraph from page 152 in the book "From Bryan To Stalin" by Mr. Foster. Will you read that, please? A. Aloud?

Q. Yes, please. A. "But here is not the place to give a detailed"—

Mr. Gladstein: Just one minute.

The Court: Is it only the defendants that ought to be permitted to do that?

Mr. Gladstein: Why no. I wanted to ask a question.

The Court: You may do so.

Mr. Gladstein: I wanted to ask if that is a portion that is in evidence and if so I would like the

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(T-10,222) letter which follows the number indicated.

Mr. McGohey: I thought I gave the exhibit number 186-A, which is the exhibit in evidence, and the book is 186 for identification.

The Court: Yes.

Q. Would you read that please. A. "But here is not the place to give a detailed presentation of Lenin's role or the principles of Communism."

The Court: I can't hear you.

A. (Reading):

"But here is not the place to give a detailed presentation of Lenin's role or the principles of Communism. In my book, *Towards Soviet America*, I have tried to give an outline of the methods and objectives of the Communist Movement. Now I can only mention some of the major points developed by Lenin in his struggle against social reformism and for a revolutionary movement."

Q. Does that refresh your recollection as to whether or not you ever heard of the book by Mr. Foster called "Towards Soviet America"? A. I said before that I only heard of it just within the past few weeks because of the trial.

Q. Now I ask you having looked at that portion of the book which you said you read in part whether (T-10,223) or not that exhibit refreshes your recollection as to whether or not prior to the time of the last two or three weeks you had heard of Mr. Foster's book entitled "Towards Soviet America"? A. No, I don't remember ever seeing this.

Q. You didn't read that part of the book? A. I guess I didn't. It doesn't look familiar to me at all.

Q. Now, Mrs. Hood, I show you Government's Exhibit 186-C in evidence which is the first paragraph on page 282 of the book entitled "From Bryan To Stalin" and ask you to read that.

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A. (Reading) :

"In the space of this chapter I can outline only the main course of development of the Communist Party of the United States. For further details of the Party's program, policies, and activities, the reader is referred to the books, Communism in the United States and What is Communism, by Earl R. Browder, and also my book, Towards Soviet America. Likewise, here I can make only the briefest mention of my own role in the building of the Party. Let me cover this angle by stating simply that I have been a member of the Central Committee ever since I joined the Party in 1921, that I have been its chairman twice, that I was its presidential (T-10,224) candidate in 1924, 1928 and 1932, that I was candidate for Governor of New York in 1930 and that I have been in the thick of the Party work from 1921 on. I have also been honored, for a number of years past, with membership in the Executive Committees of the Communist International and of the Red International of Labor Unions."

Q. Is that the end of the paragraph? A. That is the end of the paragraph.

Q. Now does that paragraph refresh your recollection with respect to your ever hearing of the book "Towards Soviet America" prior to the last two or three weeks? A. No, it doesn't.

Q. Now that is the book "From Bryan To Stalin" which you had in your library, is it, a copy of it (indicating)? A. Yes.

Q. Will you please look at that book and tell me what part of it you read prior to the time that you came here to testify as a witness?

Mr. Gladstein: I object to this, your Honor.

The Court: What do you say?

Mr. Gladstein: I object to it.

The Court: Overruled.

A. I read the part dealing mostly with the trade union movement, with the steel strike of 1919. I don't (T-10,225) remember any other sections of it.

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Q. You did not— A. It was mostly for trade union history that I was reading it.

Q. And you did not deal with part of the book which deals with the Communist Party? A. No, I did not.

Q. That is your testimony.

(Witness hands books to Mr. McGohey.)

Q. Now at the time you joined the Party, were you given a book entitled "Why Communism" by M. J. Olgin? A. No.

Q. Do you have that book in your library? A. No, I do not. Isn't that very old?

The Court: What is that?

The Witness: Isn't that very old, that book?

Q. Do you know something about it? A. I have heard my husband refer to it but I have never seen it.

Q. You joined the Party in 1936, did you not? A. Yes.

Q. You say you have heard your husband mention this book "Why Communism"? A. That's right.

Q. Did he tell you that it had been copyrighted in 1935 by Workers Library Publishers in New York City? A. He didn't give me the date.

Q. Now you said that one of the books that you got was the report of Dimitroff at the time you joined the (T-10,226) Party? A. Yes.

Q. Is this it (handing), showing you Government's Exhibit 155 for identification? A. I presume this is the same. Mine had a different color cover, but I presume it is.

Q. Well, will you look at the text and see if it is the same? A. (After examining.) I am not sufficiently familiar to swear it is the same, but I assume it is.

Q. Well, please — A. I read it in 1936.

Q. Well, please look at it and tell me.

Mr. Gladstein: You mean read the whole document?

The Court: Is the subject matter the same?

The Witness: The subject matter "The United Front against Fascism" is the same, yes.

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Q. Very well. Now you say you were studying this in your club at the time you joined the Party. This report of George Dimitroff was being studied— A. It was being used, yes.

Q. —by the members of your club? A. Yes.

Q. Now you say it was “used”. I understood your testimony a few minutes ago to be that you were studying it. A. Well now, as I see it I don’t remember studying it page by page. I remember there were reports and discussion on it.

Q. Now you said that this was—a few minutes ago (T-10,227) you said that this was revived in 1946. A. You said that, Mr. McGohey.

Mr. Gladstein: I don’t think she said that.

Q. I asked you if it wasn’t a fact that it was revived in 1946 and I understood you to say “of course.” A. No, I thought you said “revised” and I said “No,” and then I asked you if you said “revived”—I don’t know what I said to that, I would like to hear it. What I meant was that it has been used all along.

The Court: I thought I heard you say “yes, of course,” but after it had been explained to you that the word used by Mr. McGohey was not “revised” but “revived.”

Mr. Gladstein: But, your Honor, I think the record will show that Mr. McGohey—unless I did not hear him say something—the record will show that he didn’t ask her about the year 1946. That is my recollection, but now Mr. McGohey is saying “didn’t I ask you”, in effect—“didn’t I ask you before”.

The Court: Well, the witness is not touching upon the date. She claims, as I understand it, that she didn’t say “yes, of course” at all.

Isn’t that right, Mrs. Hood?

The Witness: I may have said it, but what—if I could be asked the question again I will tell what (T-10,228) really happened. I got tricked up in this mixture of words here.

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Q. Did you say "tricked up" or "tripped up"? A. I got confused.

Q. Very well. This book, which is Government's Exhibit 155 for identification, and according to Exhibit 155-A in evidence, is entitled "The United Front against Fascism

"Speeches delivered at the Seventh World Congress of the Communist International

"July 25—August 20, 1935
"By Georgi Dimitroff"

is a book that you and your club were studying in Indianapolis in 1936, is it not? A. Right.

Q. And I asked you if this book was not revived—v-e-d—not "revised"—in the current period, and now I ask you if it wasn't revived and used in the period from April 1, 1945 to July 20, 1948?

Mr. Gladstein: Just a moment—

A. I cannot answer that question in that form.

Mr. Gladstein: Just a moment. I object to this because it assumes something not in evidence. The assumption is that the book went out of circulation and was subsequently revived. I think that is the assumption which is causing all the difficulty. That is my objection, (T-10,229) your Honor.

The Court: Is that causing your difficulty, Mrs. Hood?

The Witness: That's right, your Honor. I don't remember the book being taken out of circulation at all.

Q. Well, in the period from April 1, 1945 to July 20, 1948, this book was in current use in the Communist Party in its clubs, was it not? A. Yes.

Q. And wasn't it studied in that period? A. You want me to think of some particular time when it was studied, is that your question?

The Court: Mrs. Hood—

Q. Mrs. Hood, I prefer you to answer my question. A. It wasn't studied—

Q. Was it studied in the Communist clubs in that period? A. To my knowledge it was.

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Q. Very well. Now you said you left Indianapolis in the summer of 1936. And where did you go then? A. I came home to Boston.

Q. And subsequently you were married in Boston, were you not, Mrs. Hood? A. That is right.

Q. And when were you married in Boston? A. June 24, 1939.

Q. Were you ever in—were you ever a member of the Young Communist League? A. No, sir.

(T-10,230) Q. At no time? A. At no time.

Q. Now you have told us about some classes conducted by the Communist Party that you attended in Boston. Outside of those that you told us about this morning, have you ever attended any other Communist schools? A. Schools, no, but classes, yes.

Q. Classes? Will you tell us where and when? A. Well, I have been to a lot of schools, if I tell you my club was continuously conducting classes over that whole period when I was chairman. It is hard to remember all of them, many of which I was involved in—discussion groups, classes, informal and formal—over the period of 1945 to 1948, you say?

Q. No. I am asking you at any time— A. At any time.

Q. —at any time since you joined the Party up until the day you came down here to New York to testify at this trial. A. Well, you want to ask me year by year—

Mr. Crockett: Just a minute.

The Court: Yes, Mr. Crockett.

Mr. Crockett: I object to any question—

The Court: What is that?

Mr. Crockett: I object to any question that relates to any classes or schools outside of the period (T-10,231) covered by the indictment.

The Court: Overruled.

A. (Continuing) I don't remember the exact months. I am trying to think of the years.

Q. Well, let us start with the period that you were in Indianapolis from the time you joined up until the summer when you left. A. I attended no classes there, only clubs.

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Q. And no school? A. And no school.

Q. You came back to Boston in the summer of 1939?

A. That is right.

Q. Now during the balance of that year did you attend any—

The Court: No, that is 1936.

Mr. McGohey: '36, yes—I am sorry.

Q. Did you attend any schools in 1936? A. No, I don't think so.

Q. What club did you join when you came to Boston? A. I came to Boston, I joined the West End Club.

Q. And you have been a member of that club continuously since that time? A. That's right.

Q. Now can you tell us whether in 1937 you attended any schools or classes? A. No. At that time I was ill. I had a serious operation and I did very little in the Party at all. In fact all during those years—

(T-10,232) Q. In what years were they? A. Up until almost my marriage. I had a severe spinal condition. I was operated on and although I was a member of the Party I was extremely inactive.

Q. Well, when did you become active? A. 1939.

Q. 1939. Well now, in the year 1939 did you attend any classes or schools conducted by the Communist Party? A. I think at the latter part of 1939 or early 1940 I attended a class in Principles of Communism conducted by the West End Club.

* * *

Q. Was that just one class or was it a series of classes? A. It was more than one; to the best of my knowledge it was four or five sessions.

Q. And how often were they—what was the—how frequently were the classes held? A. I think it was every week.

Q. One each week? A. Yes.

(T-10,233) Q. And did more than one person give the course? A. Now, wait a minute. This wasn't conducted by the West End Club, I am sorry. Can I—

Q. You wish to change your testimony? A. I wish to change that. Now that I remember the teacher, I remember the circumstances of the class.

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Q. Very well. Tell us where it was. A. This was a class for new members and it was taught by my husband.

Q. And where? A. I don't remember the name of the hall. I know it was uptown somewhere in Boston, in a public hall.

Q. The teacher, you say, was your husband? A. That is right.

Q. Were there any other teachers besides him? A. No, he was in charge of the class.

Q. Did anybody else lecture? A. Not that I remember.

Q. And that lasted for how many weeks? A. Four to six.

Q. That was in 1939? A. I think it was the—either the end of 1939 or the beginning of 1940. I think it was in the winter time.

Q. At any time other than the time you were at these classes did you attend other courses or any other school during the year 1940? A. It is very hard for me to (T-10,234) place all these, Mr. McGohey, there have been so many classes. I don't remember about the rest of 1940.

Q. How about 1941? A. I don't remember about 1941 either.

Q. 1942? A. I think in 1942 we had a class in principles in our club, in which I took part.

Q. What time—what part of 1942 would that be? A. It was before my first baby was born, so it must have been in the early fall.

Q. You say— A. In the early fall of 1942.

Q. —you took part in it. Do you mean by that that you did some of the lecturing or teaching? A. This was a small, a very informal class.

Q. Where was it held? A. Or discussion group.

Q. I beg your pardon? A. It was held at my home.

Q. Held at your home? Did you participate in the discussions? A. That is right.

Q. Who else was in the group with you?

Mr. Gladstein: I object to that, if your Honor please.

A. I remember who the teacher was.

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Q. Well, tell us that, please. A. Or rather, the discussion leader. She didn't teach everything. That was a girl named Alice Gordon. Her name has been previously mentioned, I believe.

(T-10,235) Q. How many persons attended this class? A. I really don't remember, Mr. McGohey, how many. Very small group.

Q. Would it be six, let us say? A. No more than that.

Q. Who were they?

Mr. Gladstein: Your Honor, I renew my objection. The question has been asked and answered.

The Court: I haven't been able to hear the last two or three. I have been straining away here. You tell me what it was, Mr. Gladstein, that you object to.

Mr. Gladstein: The same question is being put now that was put before, your Honor. I say, this question that is now put has been answered.

The Court: Has she answered it yet?

Mr. Gladstein: I believe she did—

The Court: Tell how many students there were?

Mr. Gladstein: —several questions ago. That is not the question.

The Court: Tell me what the question is, Mr. Reporter.

(Record read.)

The Court: I will allow it.

A. I don't remember who they were.

Q. How often did this class meet? A. Probably once (T-10,236) a week.

Q. For how long a period? A. Five or six weeks.

Q. Did the same persons attend the class each time? A. I don't remember that.

Q. Can't tell us any person who, you say, was in your home once a week—

Mr. Crockett: I object to that—

Q. —for—

Mr. Crockett: —line of inquiry. I would like to be heard on it.

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The Court: I will sustain the objection. She insists she doesn't remember any of them. I will let it rest there. I sustain the objection.

Q. You told us that the teacher at one of these courses you took was a lady named Alice Gordon? A. This was the last one you were referring to?

Q. Yes, and you said in your answer that you know that her name had been mentioned here. A. Her name has been mentioned here in connection with the West End Club, I believe.

Q. How did you know that? A. I was here listening to it—no, wait a minute.

Q. You were in the courtroom prior to—

The Court: She says "Now, wait a minute."

A. No, I think it was in Miss Hartman's testimony.

(T-10,237) Q. Did you hear Miss Hartman testify? A. I didn't hear her, no.

Q. Were you in the courtroom when she testified? A. No, I was not here.

Q. Haven't you been in the courtroom prior to the time you went on the stand? A. Yes, but Mr. Schirmer was testifying then.

Q. Yesterday? A. That is right.

Q. And last week were you on—at any time here in the courtroom, at any time while Miss Hartman testified? A. No.

Mr. Gladstein: Your Honor, this is objectionable. The inference is being made by Mr. McGohey—

The Court: And you are trying to—

Mr. Gladstein: I beg your pardon?

The Court: —to overcome it?

Mr. Gladstein: I beg your pardon?

The Court: And you are trying to overcome it?

Mr. Gladstein: Well, there is no rule that I know of excluding people from this courtroom and I don't think—

The Court: Who said there was?

Mr. Gladstein: What?

The Court: Who said there was?

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Mr. Gladstein: There has been an inference or (T-10,238) implication in Mr. McGohey's question, and that is why I rose.

The Court: Mr. McGohey seems to be interested, and I think properly so, in where it was the witness got the statement that Alice Gordon's name had been mentioned here.

Mr. Gladstein: But that is not what he is asking now. Now he is asking her if she has been in the courtroom before and, if so, when?

The Court: Because she said at first that she heard it here and then she said, "I take that back," didn't she?

The Witness: Yes.

Mr. Gladstein: But that is not the point, your Honor. In the last two or three questions—

The Court: I think we will leave the point to the jury and let Mr. McGohey proceed.

By Mr. McGohey:

Q. Now, Mrs. Hood, I desire to know how it was that you knew that Alice Gordon's name had been mentioned by some witness who testified here.

Mr. Crockett: May I object and be heard, your Honor?

The Court: Well, I think it is a very curious time to desire to be heard on a matter like this, in the (T-10,239) midst of cross-examination.

Mr. Crockett: I don't like the idea—

The Court: I overrule the objection.

Mr. Crockett: I don't like the idea of the United States Attorney misquoting her now. She said the name had been mentioned, not that it had been testified to here.

The Court: You have probably served your purpose now by making that comment, so you will please sit down and let us go ahead.

The Witness: I don't understand all this but I think I read her name in the paper. That is why I said her name had been previously mentioned.

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Q. Now, can you tell us the names of any other schools or classes that you attended? The last you gave us was in 1942, I think you said. A. 1944 there was a series of classes.

Q. Where, please? A. I believe it was at club headquarters.

Q. West End Club? A. Yes.

(T-10,240) Q. Tell us who the teacher was or teachers?

Mr. Gladstein: I object to this.

The Court: Overruled.

Is this 1943 you are up to, Mr. McGohey?

Mr. McGohey: I think Mrs. Hood said 1944.

The Witness: I am not sure which it is. I am trying to remember.

The Court: All right, I will put it down 1943 or 1944.

The Witness: It better be "either or" because the teacher was away either one of those years and I can't remember which one it was.

The Court: Do you remember the question?

Q. Was it just one teacher? A. Yes.

Q. Will you tell us who the teacher was?

Mr. Gladstein: I object to it.

The Court: Overruled.

A. It was Frances Smith.

Q. Is that Frances—e-s or i-s? A. e-s. Her outline was submitted here.

The Court: What is that you say?

The Witness: She was the author of an outline which was submitted at court here.

Q. An outline which was submitted where, please? I didn't hear you.

(T-10,241) The Court: Mrs. Hood says that she has noticed some way or other that there was an outline here that had been gotten up by Frances Smith.

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Q. Do you know Frances Smith by any other name? A.
I do.

Q. What is that other name?

Mr. Gladstein: I object to that as immaterial.

The Court: Overruled.

Mr. Gladstein: Not proper cross-examination.

Q. What is the other name by which you know Frances Smith? A. I would prefer not to give it because of her husband's employment.

Q. Beg pardon? I didn't hear that. A. Because of her husband's employment I would prefer not to give that name. She was known to me as Frances Smith at this class.

The Court: You know, Mrs. Hood, you speak so faintly sometimes that even the reporter who is only two or three or maybe five feet away from you can't get it down. I have had to have your testimony read to me so many times.

Now Mr. Reporter, will you read what the witness said?

(Record read.)

The Court: "She was known to me as Frances Smith (T-10,242) in that class."

Q. But you know that that is not her real name? A. That is her real name but I am unclear about the date of her marriage.

Q. At the time you knew her as Frances Smith she was married, was she? A. I don't know. I don't think so.

Q. She is married now? A. She is.

Q. And her married name is not Frances Smith? A. Right.

Q. And she is known to you as Frances Smith? A. Sometimes I fall into the habit of calling her by her maiden name because I knew her by her maiden name.

Q. What name is she known by in the Communist Party of Boston?

Mr. Gladstein: Just a minute.

The Court: Overruled.

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Mr. Gladstein: This can have no other point than to try to make it difficult for some people in their employment.

The Court: You say that and the witness says that but it may be otherwise. There may be various reasons why a witness may have for desiring not to answer questions, and he naturally gives the one which seems the best at the moment, but I am going to permit the questioning to be (T-10,243) pursued here.

Mr. Gladstein: Your Honor's remarks I think are objectionable and I assign them as objectionable.

The Court: You may assign all the judicial error you want, Mr. Gladstein.

Mr. Gladstein: I do assign—

The Court: But one of the questions that has been placed in issue is the clandestine nature of the defendants and those associated with them in the use of false names, and it seems to be to me a perfectly proper subject to permit cross-examination upon and I will permit it.

Mr. Gladstein: Yes, but it seems to be Mr. McGohey's intention to determine that question about the so-called clandestine nature of the Communist Party by trying to get everybody that has ever been a member fired from his job.

The Court: That is what you say. You are equally trying to put your complexion upon it, and it is for the jury to draw inferences that are to be drawn; so that I think we may proceed.

By Mr. McGohey:

Q. I will ask you, Mrs. Hood, to tell me by what name Frances Smith was known in the Communist Party in Boston. Do you prefer not to answer that question? (T-10,244)

A. She was known as Frances Smith at the time we were speaking.

Q. Is she still a member of the Party?

Mr. Gladstein: I object.

Q. Now?

Colloquy of Court and Counsel

Mr. Gladstein: I object to that.

The Court: I will allow it.

Mr. Gladstein: As of now?

The Court: Yes, certainly.

Mr. Gladstein: Since the indictment?

The Court: Yes.

Mr. Gladstein: Then the rule has changed.

Mr. McGohey: Of course, the rule has not changed. Your Honor knows that.

The Court: We have a witness who herself volunteers that she has observed in some way that the name Frances Smith was on one of the exhibits.

Mr. Gladstein: And it is true. It is.

The Court: That she knew her by a different name than Frances Smith obviously in some way connected with the Communist Party here, and I am going to get to the bottom of it if it is possible to do so.

Mr. Gladstein: Now your Honor, I object to the inferences that flow from that remark about getting to the bottom of it. The witness has said that she knew a (T-10,245) woman by the name Frances Smith.

Mr. McGohey: I object to these trial summations.

Mr. Gladstein: It is not a summation; it is an effort to state the basis of my objection.

The Court: Mr. Gladstein, it is the old story. I told you not to argue, to always seek my leave before you did. When you are away we get along very nicely and the minute you are back we get into these things. I think we can bear it patiently and no great harm is done.

What is it you wish to argue?

Mr. Gladstein: Only this: the witness has not said anything that refers to the present moment in terms of name, the present married name. She has testified that she knew somebody named Frances Smith; that that person married, at some date which is not clear; and I think it is no secret that when a woman gets married she usually changes her name to her husband's name.

Colloquy of Court and Counsel

The Court: I think it is evident that the witness tried to give the impression that that is all there is to it and I want to get to the bottom of it.

Mr. Crockett: I want to register an objection to the remark that the witness tried to give the impression that that is all there is to it.

The Court: It is all in the record.

(T-10,246) Mr. Crockett: My objection goes to the insinuation that the witness was not telling the truth, which unfortunately does not go on the record.

The Court: Insinuation?

Mr. Crockett: Insinuation that the witness is not telling the truth.

The Court: I don't see how you can draw anything like that from what I said. Simply listening to her testimony, I got the distinct impression myself that the witness was trying to say in effect that this woman had a maiden name and a married name and that is all there is to it.

Mr. Crockett: She didn't say that in effect; she said that.

The Court: If I say she said it and you say she said it and Mr. Gladstein says she said it, what is there left to argue about?

Mr. Crockett: Then you add that you are trying to get to the bottom of this to give the impression that somebody is lying, and I submit with all due respect that that is an improper remark.

The Court: You are the ones, you with Mr. Gladstein, who are obstructing the cross-examination. Naturally, in response to your questions which seek to cut off further questions on the subject, I say let's get to the bottom (T-10,247) of it. What is there wrong about that?

Mr. Gladstein: Well, there are people whose names have been mentioned in this courtroom since the commencement of this trial who have lost their jobs.

Mr. McGohey: There isn't a scintilla of proof of that.

Mr. Gladstein: I will offer proof of it.

The Court: You will offer proof of it?

Mr. Gladstein: Yes.

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The Court: We will meet that when we come to it, and I think it is better if you abstain from further obstructing the cross-examination and let the cross-examination proceed.

By Mr. McGohey:

Q. Mrs. Hood, do you prefer that you not be required or asked anything more to give the present name of this person whom you know as Frances Smith? A. Yes, for the reason stated before.

Q. Very well, I shan't press it.

By the Court:

Q. Let me ask you a question, Mrs. Hood. Does this lady have one name that she uses in meetings of the Communist Party and another name that she uses elsewhere? A. Definitely not. The name Frances Smith appeared on the outline. That was her maiden name.

(T-10,248) Mr. McGohey: I won't press it, your Honor.

By Mr. McGohey:

Q. Now what other schools or classes have you attended besides those you have already testified about? A. The school in—the class in 1945 referred to by the witness Philbrick. You include that in your question?

Q. Outside of that were there any others since that time that you have attended? A. It is possible but I couldn't place them—time, place, date.

Q. You desire to limit the period of my question up to July 20, 1948? A. Yes. In 1947 I attended another class.

Q. Where, please? A. It was conducted by the Boston City Committee.

Q. The Boston City committee of the Communist Party? A. The Boston City section, I should say.

Q. Of the Party? A. That is right.

Q. And where was the class or classes held? A. I think they were held at the Ritz Plaza Halls, in Boston, yes.

Q. Was that in 1947, please? A. Well, it may have been 1946. It was the winter.

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Q. Winter of 1946-1947? A. That is right.

Q. How many classes were there in the course? (T-10,249) A. No, it was 1947-1948. I beg your pardon.

Q. 1947-1948? A. That is right.

Q. Now how many classes were there in the course?

A. I don't recall. Probably five or six.

Q. And how often were the classes held? A. Once or twice a week. I am not sure.

Q. Then who was the teacher?

Mr. Gladstein: I object.

The Court: Overruled.

A. Boone Schirmer taught some.

Q. What did he teach? A. I believe he taught political economy.

Q. Who else taught? A. My husband taught also.

Q. Did anybody else? A. I think Anne Burlak taught also.

Q. I beg your pardon? I can't hear. A. I think Anne Burlak also taught one session.

Q. Anne Burlak. What did she teach? A. She dealt with the structure of the Communist Party, how it works, its history—the history of the Communist Party and the structure.

Q. Who else taught?

Mr. Gladstein: I object to this.

The Court: Overruled.

A. I think this was all. Some people taught two (T-10,250) sessions.

Q. How many persons attended the course? A. I don't know.

Q. Well, a dozen? Fifty? A. I will make a guess. Oh, no, not fifty. Probably about fifteen.

Q. I beg your pardon? A. About fifteen.

Q. About fifteen? A. That is just a guess.

Q. All members of the Party? A. I didn't ask them.

Q. How did you come to go to the school? A. Well, it wasn't a school; it was a class. It was one of a number of classes which I attended.

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Q. Well, how did you come to go to those classes? A. Our club received notice of the classes and we were asked to send whoever would be qualified to attend who would like to attend.

Q. From whom did you receive this notice? A. From the City office.

Q. Of the Communist Party? A. That is right.

Q. Now you have told us, Mrs. Hood, that you taught school when you were in Indianapolis? A. Yes.

Q. Have you ever taught at any other schools besides the schools you taught at in Indianapolis? A. Yes.

Q. Where did you teach? A. I taught at the Shady Hill School in Cambridge, Massachusetts.

Q. Is that a public school? A. That is a private school.

(T-10,251) Q. Private school. Have you ever taught at any Communist Party schools? A. No.

Q. Now you testified that you attended the district convention—New England district convention in July of 1945, I think. A. Right.

Q. And that delegates were selected at that convention to attend the National Convention of the Communist Party that was subsequently held in New York in July of that year? A. Right—or the beginning of August, wasn't it?

Q. I beg your pardon? A. It was either the end of July or the beginning of August.

Q. I think the exhibits in evidence show that the convention was held at the latter part of July in 1945. A. Excuse me.

Q. Well, in any event there was a district convention in Massachusetts in Boston prior to the convening of the National Convention in New York? A. Yes.

Q. In that year 1945. You attended, did you not, as a delegate to that district convention? A. That is so, yes.

Q. And there were delegates elected at that convention, were there not, to attend the National Convention? A. Yes.

Q. How many delegates were elected? A. I remember two. Yes, two.

(T-10,252) Q. You say you remember two. You mean you remember the names of two of those who were selected as delegates? A. That is right. I think there were two delegates that year.

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Q. Well, my question is, Mrs. Hood, how many delegates were elected? A. There were only two delegates elected, to the best of my knowledge.

Q. Only two? A. That is right.

Q. Were there any alternates elected? A. I remember one alternate.

Q. Now who were the delegates?

Mr. Gladstein: I object to this.

The Court: Overruled.

A. The delegates were Anne Burlak and my husband Otis Hood.

The Court: That is your husband Otis?

The Witness: That is right.

Q. And you say an alternate was elected. Who was the alternate?

Mr. Gladstein: I object.

The Court: Overruled.

A. I believe it was David Bennett.

Q. Wasn't a man by the name of Jack Simon elected a delegate?

Mr. Gladstein: I object.

(T-10,253) The Court: Overruled.

A. Not to my knowledge.

Q. Isn't it a fact that Jack Simon got the highest number of votes? A. Not to my knowledge.

The Court: You know him? This Jack Simon?

Mr. Gladstein: Is the Court asking a question?

The Court: Yes, I am.

Mr. Gladstein: I would like to hear what it is.

The Court: I am asking the witness if she knows this man Jack Simon.

Mr. Gladstein: I object to that.

The Court: Overruled.

The Witness: I remember the name.

The Court: I didn't ask you that, Mrs. Hood.

Colloquy of Court and Counsel

The Witness: No, I didn't know him personally.

The Court: I say, do you know him?

The Witness: I do not know him. The name is familiar to me. That is what I meant to indicate.

The Court: Do you have some special meaning you give to the word "know"? I thought it had a rather common meaning. You seem to think it means something different from what I do.

Mr. Gladstein: No, your Honor.

The Witness: I should say No to the question. I do not know him. I didn't know him.

(T-10,254) Mr. Gladstein: I wish to object to the manner in which the Court—

The Court: The manner in which? I don't understand what you mean. You have been trying throughout this case by continuous number of absolutely false statements on this record to put down things that I am supposed to have said and done—gestures, indications of one kind or another. You will please stop that. I ask those questions in a perfectly ordinary tone of voice and without any manner that is unusual in any degree. I am not going to sit here and permit you to sprinkle this record with false statements and do nothing about it.

Mr. Gladstein: I assign your Honor's remarks as misstatements of fact and prejudicial conduct prejudicing me—

The Court: You can easily avoid all this by stopping this procedure of putting false statements on the record.

Mr. Gladstein: I assign that remark as similar prejudicial misconduct.

The Court: You can assign all you want, but if you think I am going to sit here when you say I do things that I do not do, you are fooling yourself.

Mr. Gladstein: I ask your Honor to admonish the jury to disregard the things you have just—

(T-10,255) The Court: Ladies and gentlemen of the jury, I have often told you the case is to be decided by you on the proof, the evidence that comes from the witness stand and the documents in evi-

Colloquy of Court and Counsel

dence. I repeat that nothing that may be done by the lawyers is proof either for or against any of the parties in the case and you will accordingly disregard what they may say or do, or any comments that may be made by me in that connection. They are of no concern to you nor do they have any bearing upon the issues.

Now go ahead, Mr. McGohey.

Mr. McGohey: Now, if the Court please, I would like the Court's permission to make a brief statement in regard to the colloquy just had.

Mr. Crockett: And after Mr. McGohey finishes I should like permission to make a brief statement for the record.

(T-10,256) Mr. McGohey: Have I your Honor's permission?

The Court: Yes, you have my permission, Mr. McGohey.

Mr. McGohey: Ordinarily it is not the function of counsel on either side in litigation to inject themselves into a controversy between the Court and counsel on the opposition, and I should not presume to do it now, your Honor, except for the fact that it seems to follow a definite pattern for the purpose of interrupting either direct or cross-examination by the Government.

Now, just a minute ago your Honor was charged with having said or done something which was designed to convey a notion to the jury hostile to the defendants. Mr. Gladstein, in arising to talk about it, was required to request your Honor to repeat the question that you asked because he said he couldn't hear it. Now, he is directly in front of your Honor and I submit that if it was said so quietly that Mr. Gladstein could not hear it, it must have been said so quietly that the ladies and gentlemen of the jury could not have heard it. So that raises the question in my mind, why is it done? It is done at a time when I am pressing for an answer to a question, which I have a right to ask on cross-examination, and it is being done at a time when we are about approaching the recess period.

Colloquy of Court and Counsel

(T-10,257) Now, I object to that, your Honor. I object to that and I ask your Honor to please enforce the rule which your Honor adopted months ago, and which I am afraid Mr. Gladstein has been observing in the breach, that before argument be made in support of objection, the Court's permission to make the argument be secured because, I call your Honor's attention to the fact, since I started my cross-examination at the beginning of this afternoon session, I have been interrupted by long arguments by Mr. Gladstein and in no instance did he first secure your Honor's permission. So that the pattern is a part of a plan merely to disrupt the cross-examination, and, I say, to take the jury's mind off the point of the question.

Mr. Gladstein: Your Honor, may I be permitted a moment in reply?

The Court: No, Mr. Gladstein. I think you have said enough.

Mr. Gladstein: Can I waive the recess then so as to set Mr. McGohey's mind—

The Court: You waive the recess?

Mr. Gladstein: —so far as we are concerned, so it won't seem to anybody that the question of 3.30, if it is 3.30 or about it, had anything to do with my asking the Court about the Court's question. Rather (T-10,258) than having anything to do with Mr. McGohey—

The Court: You always aim your shafts at me.

Mr. Gladstein: Your Honor was asking the question to which I was raising the objection. It wasn't Mr. McGohey and it so happens, and the fact—

The Court: Maybe we will all forget what was going on in a little while.

Mr. Gladstein: I hope not.

The Court: But I say I am going to keep my mind on it.

Mr. Gladstein: But when Mr. McGohey makes about two or three clear misstatements of fact, I should be permitted to point those out to your Honor.

The Court: Well, I suppose we would turn the trial into a dispute of questions of fact when, as I

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understand the judicial system here, I am the one to determine what happens in my court, and I shall do that to the best of my ability.

Mr. Gladstein: That is not what I was raising, your Honor.

The Court: Well, I think if you will just quietly sit down now and let Mr. McGohey proceed, it will be the wisest course to pursue.

Go ahead, Mr. McGohey.

(T-10,259) *By Mr. McGohey:*

Q. Mrs. Hood, do you know Jack Simon? A. No.

Q. In July of 1945, in Boston, Massachusetts, or in any part of Boston—of the Boston District was there a member of the Communist Party who used the name Jack Simon?

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

The Court: Overruled.

A. I don't know. I didn't have all the names of the membership.

Q. Was there a delegate sent from Massachusetts to the national convention of the Communist Party in 1945 named Jack Simon?

Mr. Gladstein: Objection.

The Court: Overruled.

A. Didn't I testify to that before?

Q. I am asking you, Mrs. Hood, whether or not there was a person named Jack Simon sent by the convention which you attended in Boston in July 1945 to the national convention of the Communist Party in New York in 1945?

Mr. Crockett: I object to this line of questions, your Honor. The witness has answered that question. She said she didn't know any Jack Simon.

(T-10,260) The Court: She might have a mental reservation. I will allow the question.

Mr. Crockett: That is another one of the things that I am objecting to on the part of the Court, these insinuations that she might have had a mental reservation.

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The Court: Well, you know, I have to take the things the way I find them.

The Witness: Do you want me to tell you what reservation I had—

Mr. Crockett (To Court): Well, I think that is a most improper thing to state in front of the jury.

The Court: Well, I do not see anything that is improper about it in view of the testimony here.

Now let us have the question.

Q. (Read.) A. No.

Q. Was there a delegate in attendance at the district convention in Boston in 1945 named Jack Simon?

Mr. Gladstein: I object.

A. I didn't ask all the delegates their names.

Q. I asked you was there or was there not a person there named Jack Simon? A. I don't know.

Q. Was there a delegate sent from that convention to the New York National Convention named Grace Lorch?

Mr. Gladstein: I object to this, if your Honor please.

(T-10,261) The Court: Overruled.

A. No, there was not.

Defendant Dennis: May I be heard on this, your Honor?

The Court: No, you may not.

Defendant Dennis: I think it is of extreme importance.

The Court: I think not. I have considered this matter repeatedly and I am going to allow the question. I do not desire argument.

Defendant Dennis: I would like to make just a brief statement.

The Court: No, I do not want to hear anything now.

Defendant Dennis: Then I will sit down under protest.

The Court: What is that?

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Defendant Dennis: Then I shall abide by the ruling of the Court and sit down under protest.

The Court: Very well.

Now read the question to the witness.

(Record read as follows: "Was there a delegate sent from that convention to the New York National Convention named Grace Lorch?

"Mr. Gladstein: I object to this, if your Honor (T-10,262) please.

"The Court: Overruled.

"A. No, there was not."

Q. Now I ask you, did you at this convention, the district convention in Boston, in July of 1945, hear either—hear the names either Jack Simon or Grace Lorch proposed as delegates to the National Convention?

Mr. Crockett: Objection.

The Court: Overruled.

A. Proposed as delegates to the National Convention?

Q. Yes. A. No, I did not.

Q. Did you hear those names mentioned in any connection as delegates or otherwise?

Mr. Gladstein: I object to that.

The Court: Overruled.

A. I did not. I may not have heard everything.

The Court: What is that?

The Witness: But to the best of my knowledge I did not hear those names.

The Court: Will you read that answer?

The Witness: It is very hard to testify to a whole convention.

The Court: It is easy to testify to what you remember of what you heard, which is what you are being questioned about.

(T-10,263) The Witness: I remember what I heard.

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The Court: Will you read me the answer, Mr. Reporter.

(Answer read as follows: "A. I did not. I may not have heard everything.")

The Court: All right.

Q. Do you know anybody in Boston by the name of Grace Lorch?

Mr. Gladstein: I object to that.

The Court: Overruled.

A. Do I know anybody in Boston named Grace Lorch?

Q. Yes. A. There was a girl named Grace Lorch in Boston and I knew her, yes.

Q. Is she a member of the Communist Party?

Mr. Gladstein: I object to that.

A. I never asked her.

Mr. Gladstein: Just a moment.

The Court: How is that relevant at the moment, Mr. McGohey? Does the name come into the case somewhere?

Mr. McGohey: Well, I have been asking, your Honor, whether or not a person named Grace Lorch wasn't one of those elected at this convention to be a delegate—

The Court: Yes, I will allow it.

Mr. McGohey: —from Boston or from Massachusetts to the National Convention.

(T-10,264) The Court: I will allow it.

Mr. Crockett: Your Honor, doesn't this fall under that rule I have heard so much about, repetition? This witness has answered the question time and time again. Now we approach it from another angle, and it comes right back to the same thing. As I understand the Court's ruling you want to cut down on this repetition.

The Court: I think what you understand from my ruling is that you are not supposed to argue without asking my leave. Now stop it.

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Mr. Crockett: I am asking a question of the Court.

The Court: The answer is, the objection is overruled.

Q. You say you do know a lady named Grace Lorch?

A. I said—

Mr. Gladstein: No, that is not what the witness said.

A. (Continuing) I said—

Mr. Gladstein: Just a minute.

The Court: You know, I cannot escape the conviction that Mr. McGohey is right, that this bobbing up and objecting is for some purpose.

Mr. Gladstein: Well, if your Honor will have the record read you will find the witness said she knew a (T-10,265) person by such a name at one time. Mr. McGohey now says "so you do know".

The Court: I never saw so much fuss and throwing of dust in the air. It must have some purpose.

Mr. Gladstein: Well, it is for the purpose of revealing the unfair thing Mr. McGohey is doing—

The Court: We are going on—

Mr. Gladstein: —he is twisting the testimony.

The Court: —we are going to sit here until Mr. McGohey is through with this phase of the cross-examination.

Mr. Gladstein: We can stay until ten o'clock, I don't care.

The Court: So if you think there is going to be some little recess here you may be mistaken.

Mr. Gladstein: Your Honor, if you will only be good enough to have the record read, to show—

The Court: I do not need to have the record read, but I wish you gentlemen would give Mr. McGohey a chance to proceed with his cross-examination.

Mr. Gladstein: Then why doesn't Mr. McGohey abide by the rule, which is that when you say to a witness something that refers to what the witness has

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testified to, a lawyer isn't supposed to distort or change the tense or meaning or context or content of the statement.

(T-10,266) The Court: Have you some idea you are trying to express?

Mr. Gladstein: Only that if your Honor will read—have the record read, you will see that Mr. McGohey in asking the last question misstated the witness's answer, that's all.

The Court: Well, this is getting too—too technical for me. I thought he was just trying to find out about her knowing this woman whose name he mentioned, and whether she was a member of the Communist Party. Now the witness has said that she knew the woman. Now the next question is, is that woman or was that woman at the time of that convention a member of the Communist Party?

Now what is the answer, Mrs. Hood?

The Witness: I didn't ask her and I would rather not answer that question.

Q. Well, isn't the lady named Grace Lorch whom you know— A. Whom I knew.

Q. —whom you knew? A. At that time.

Q. Did you know her in 1945?

Mr. Gladstein: I object to this.

The Court: You see, this is the kind of mental reservation I am talking about. Supposing I met a John Jones in 1948 and then I am asked if I know him. I would (T-10,267) think because I met in 1948 I know him now; I wouldn't have to meet him again yesterday or this morning in order to say I know him. At least so it seems to me.

(To witness) Now let's stop that kind of business Mrs. Hood, and get down to work here.

Q. Did you know this lady, Grace Lorch, in 1945? A. Yes.

Q. And isn't the lady named Grace Lorch whom you knew in 1945 the same person that was elected a delegate? A. She was not elected a delegate. I said so before.

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Q. I thought you said before you did not know whether Grace Lorch was elected a delegate. A. I am sure she was not elected a delegate.

Q. You are sure she was not? A. If the testimony is not correct on that I would like to make it clear now.

Q. It is clear now that she was not elected a delegate? A. She was not elected a delegate.

Q. Was she considered to be a delegate?

Mr. Gladstein: I object to that.

A. I don't think so.

The Court: Well, I think you asked the witness, Mr. McGohey, whether this lady had been proposed, her name had been proposed as a delegate and the witness said "no," and the way you put it now is just—

Repeat that to me, Mr. Reporter.

(T-10,268) (Question read as follows: "Was she considered to be a delegate?")

Mr. McGohey: I will withdraw that, your Honor. That probably is repetitious.

Q. Was she considered as an alternate delegate? A. She was not.

Q. Was she at the convention? A. You haven't asked me that before.

Q. I ask you that now; was she at the convention?

Mr. Gladstein: I object to that.

A. I don't remember seeing her there. I don't think she was there. That is why this surprises me, this line of questioning. You didn't ask me in the beginning whether she was there or not.

Mr. McGohey: That concludes my cross-examination on that point, your Honor.

* * *

(Short recess.)

By Mr. McGohey:

Q. I notice that the water glass is empty, Mrs. Hood; would you like some water? A. I would, thank you.

* * *

Frances A. Hood—for Defendants—Cross

Q. Now, Mrs. Hood, you have testified, I think, that (T-10,269) you attended the reconvened convention of the district convention in Boston. A. That's so.

Q. That was held subsequent to the National Convention of the Party in New York? A. It was.

Q. Now at that convention did somebody make a report or give an address on the subject of an educational program for the Party in the New England District? A. Yes, they did.

Q. And who gave that report?

Mr. Gladstein: I object.

The Court: Overruled.

A. I believe Justine O'Connor spoke particularly on education.

Q. And will you tell us, please, in substance, your recollection of what she said?

* * *

(T-10,270) A. I don't remember it fully. I remember particularly that she said we were going to have more classes and teacher training because this was a point in which I was particularly interested.

Q. You dropped your voice at the end. Would you repeat that again? A. I remember particularly that she proposed that we have more classes and more classes for teacher training because this was a point in which I was particularly interested.

Q. Did anybody from the National office of the Communist Party speak at that reconvened convention? A. Not to my knowledge.

Q. Well, specifically did Elizabeth Gurley Flynn speak at that convention? A. She spoke at one of the sessions.

Q. That is, this reconvened convention? A. I don't remember whether it was before or after.

Q. She was a member of the National Committee of the Communist Party at that time, was she not?

Mr. Gladstein: I object.

The Court: Overruled.

A. I believe she was.

Frances A. Hood—for Defendants—Cross

Q. And she spoke in that capacity, did she not? A. Yes.

Q. Now, at this five-session course, which began in (T-10,271) October of 1945, that you attended—I think you said you attended it—that was organized and conducted pursuant to this suggestion of Justine O'Connor at the reconvened convention, wasn't it? A. Yes, and also pursuant to the demands of our club.

Q. Now, did you get an invitation to attend those classes? A. I received a notice asking our club to consider students for the class.

Q. Well, what did the notice say, in substance, if you recall? A. As I remember, the notice said that in response to a—many requests for such classes and also in response to the decisions of the Convention, there was proposed a class to train teachers to teach courses in the principles of Communism and—

Q. I show you Government's Exhibit 38 and ask you if the invitation that you have just described was similar to that exhibit? A. I believe this is the same.

Q. And did you have an outline for this five-session course? A. At the first session we were given a mimeographed outline which, however, did not cover the entire course, as I remember it.

Q. Do you recall how many pages were in the outline that you got? A. I think there were two.

(T-10,272) Q. I show you Government's Exhibit 39 in evidence and ask you if this a copy of the outline which you received at the first class? A. That's it.

Q. Thank you.

The Court: Did the witness say "Yes"?

Mr. McGohey: Yes.

(Answer read.)

Q. How many students attended this five-session course? A. I should say, roughly, 12 to 15. I don't remember.

Q. Who were they?

Mr. Gladstein: I object to this.

The Court: Overruled.

A. I remember the people who went from my club.

Frances A. Hood—for Defendants—Cross

Q. My question is, who were the people that attended the classes? A. I will tell you whom I remember from my club were there.

Q. I would like to know who were the people who attended the classes. A. I cannot recall all of them.

Q. They were held at your club, the classes, were they not? A. That is right.

Q. And you attended all the classes? A. I may have missed one. This was held during election time.

Q. Do you remember only those who came from your club? A. I am very vague. There were people there whom I (T-10,273) did not recognize.

Q. You said before that you, as I understood you, that you could tell me who attended the classes from your club. A. That is right. I can tell you them. I am sure of them.

Q. Who are they?

Mr. Gladstein: I object.

The Court: Overruled.

A. They were Alice Gordon, and, of course, Fanny Hartman was from our club, and myself.

Q. Nobody else from your club? A. I think not.

Q. Now, that is three out of twelve. Can you tell me the name of any other person that attended those classes? A. No, I can't.

Q. You say, however, that Mr. Philbrick did not attend, is that correct? A. No, I said I don't recall seeing him there.

Q. But you did know him? A. Very slightly.

Q. Well, you knew him in October 1945, did you not? A. I had never been introduced to him. He had been pointed out to me once as someone who might teach mimeographing to my club, and I have never talked with him or had any dealings with him. So he is very vague in my mind at that time. I wouldn't swear to whether he was there or to whether he wasn't.

(T-10,274) Q. He wasn't a member of your club, was he? A. No, sir.

Q. Did you ever belong to the Pro group? A. The what?

Q. The Pro group in Boston? A. No.

Frances A. Hood—for Defendants—Cross

Q. You testified this morning that Miss Fanny Hartman had used the expression and talked about "armed bands," did you not? A. Yes.

Q. Now, at what session was it that she talked about "armed bands"? A. I think it was at the first session.

Q. Didn't you say this morning that it was subsequent to the first session? A. Yes.

Q. Well, now, which was it? A. I don't remember. At that time, the first session, the outline was so long, it was terribly long, we could not possibly get through it in one night, to my memory, we carried over part of the discussion on the first session to another session, and this is why I am hesitating. I don't remember just where the discussion about the American Revolution took place.

Q. It is a fact that this morning you said that occurred at a session subsequent to the first session; that is what you said this morning, is it not? A. I don't recall.

Q. You don't recall what you said this morning? A. I don't recall what I said about that point (T-10,275) this morning.

Q. Well, now, let us have your best recollection as to when Miss Hartman talked about armed bands? A. Well, I should say it was probably the second session but I am not sure because of the fact the material was carried over for a second time, to the best of my memory.

Q. Did your club ever break down into units of five persons? A. No.

Q. At no time? A. At no time.

Q. Did you ever get any directions or orders from Boone Schirmer that your club should break down into units of five? A. No.

Q. Did you ever get any suggestion from him that if the clubs were broken down into units of five, they would operate more efficiently? A. No.

Q. You know Boone Schirmer, do you not? A. Very well.

Q. And was he the—an official of the district? A. That is right.

Q. Between April 1, 1945, and July 20, 1948? A. Just when he came back from the Army I don't recall, but he was an official during that period, yes.

Q. Well, he came back in November 1946. From November 1946 to July 1948 he was an official of the Party in (T-10,276) Boston, was he not? A. Yes.

Frances A. Hood—for Defendants—Cross

Q. And he lives in your house, does he, same house? A. That is right.

Q. You see him frequently? A. Yes.

Q. And you discuss Party matters with him? A. When it is in the course of my business to do so.

Q. Yes. Well, that is what I mean. You are chairman of your club, are you not? A. Not at present.

Q. You were at some time between November 1946 and July 20, 1948? A. That is right.

Q. And during that period did you talk on Party matters with Mr. Schirmer? A. To some extent, yes.

Q. Did you hear him testify at all here? A. Yes, I did.

Q. Did you hear him testify that it had been decided by the officials of the Party in the district that the clubs ought to break down into units of five because they could operate more effectively?

Mr. Gladstein: I object to it.

Mr. Crockett: I object to it unless—

A. I—

Mr. Crockett: Just one minute. —unless the testimony is accurately quoted. I am inclined to think it is not being quoted correctly now, your Honor.

Q. I ask you, did you hear him testify to that?

(T-10,277) The Court: I overrule the objection.

Mr. Crockett: And I am waiting for a ruling from the Court.

A. I would like to hear it from the testimony.

Mr. Crockett: Wait just a minute, Mrs. Hood.

The Court: I will overrule the objection. I do so because it is my recollection—

A. I never received such a direction.

Q. You never received such a direction from him? A. No.

Q. Did you hear him testify here in this case? A. I don't recall hearing him—

Frances A. Hood—for Defendants—Cross

Q. I say, did you hear him testify? A. In general, I heard him testify, yes.

Q. Did you hear him testify to the fact that there had been a decision that the clubs ought to break down into units of five? A. I don't remember that.

Q. In the course of your duties as chairman of the West End Club did you get literature and other educational material from the Progressive Book Shop in Boston? A. Yes.

Q. Did you get them from Frank Collier, there? A. Yes.

Q. Was he a member of the Communist Party? A. I never asked him.

(T-10,278) Q. Wasn't he a student at this five-session course that you attended?

Mr. Gladstein: I object to this.

A. No, I don't think so.

The Court: Overruled.

What is the answer?

The Witness: I don't remember seeing him there.

Q. Did you ever see him at any meeting of the Communist Party—

Mr. Gladstein: I object.

Q. —in the period from April 1, 1945, to July 20, 1948?

Mr. Gladstein: Same objection.

The Court: Overruled.

A. I saw him at nearly every meeting because he would have a literature table there with literature for sale. That was his job.

Q. Who is on the New England—who are the members of the New England district committee, Mrs. Hood? A. I don't know.

Q. Do you know who the chairman of it is?

Mr. Gladstein: Just a moment. I object to this, if your Honor please. This is asking for the situa-

Frances A. Hood—for Defendants—Redirect

tion at the present time, as of July 1949, as it happens, exactly one year after the indictment was returned in (T-10,279) this case.

* * *

The Court: I will sustain the objection.

Q. Who is the chairman of the State committee? A. My husband.

Q. And these eleven gentlemen, defendants here in court on trial, are the leaders of your Party, the Communist Party, are they not? A. Right.

Q. They are the National leaders? A. Yes.

Q. And you have been a member of the Party continuously since 1936? A. Right.

Q. And you have been an official of the Party since 1939 in Boston, have you not? A. Well, in some very small capacities at times. I would hardly call myself an official. I never worked full time for the Party.

Q. Your husband is presently the State chairman of the Communist Party in Massachusetts? A. Right.

Q. And he was at one time a candidate of the Communist Party for the office of Governor of Massachusetts, wasn't he? A. Yes.

Q. And you have a vital personal interest in the outcome of this trial, haven't you, Mrs. Hood?

Mr. Gladstein: I object to this.

(T-10,280) The Court: Overruled.

A. Personally, of course, I am interested because it is—my whole beliefs are at stake here, my beliefs in American democracy.

* * *

Redirect examination by Mr. Crockett:

Q. In the course of the cross-examination, Mrs. Hood, the United States District Attorney asked you about several classes. Will you tell us whether or not at any of those classes there was any discussion about overthrowing the Government of the United States by force and violence?

Frances A. Hood—for Defendants—Redirect

A. Absolutely not. On the contrary, we were taught to protect and preserve our Government, and if we desire a change in it, to work by peaceful means. We were taught to preserve and extend American democracy.

Q. Was there any—

* * *

Q. Was there any discussion at any of these classes about overthrowing the capitalist system? A. No.

Q. There was no discussion about overthrowing the capitalist system? A. There was talk about the desirability (T-10,281) of the capitalist system being changed and a new system put in play.

The Court: You mean now, yes?

Q. Were you confused by my word "overthrow"? A. No; I suppose you would call it overthrow, but not overthrow by force and violence, is what I mean.

The Court: So you desire to change that answer from No to Yes?

The Witness: Would you ask it again?

Q. My question—

The Court: Mr. Crockett, I am going to get an answer to it. I say, you desire now to change the answer from No to Yes, do you?

The Witness: If I could hear the question again.

The Court: You have forgotten it?

Well, I will let it pass then. You may go on to something else.

Mr. Crockett: I should like to clear that up, with the Court's permission.

Q. My question was whether or not at any of these classes there had been any discussion about overthrowing the capitalist system and I gather from your answer that my use of the term "overthrow" was what confused the question in your mind (T-10,281-A) A. Yes, there was discussion of overthrowing the capitalist system, yes.

Frances A. Hood—for Defendants—Recross

Q. Was there any distinction made in any of these discussions between the capitalist system and the Government of the United States? A. Certainly.

(T-10,282) Q. Now can you tell us what you understand that distinction to be? A. Well, because we believed in Socialism, we believed that the capitalist system has become outmoded and injurious to the personal welfare of most of the people we talked about the overthrow of the capitalist system. We did not discuss the overthrow of our government in the United States today.

Mr. Crockett: That is all.

Mr. McGohey: If the Court please, before I ask some questions on recross I desire to announce that I have the testimony here concerning this period.

The Court: What Mr. Crockett asked for?

Mr. McGohey: Yes. May I read the questions and answers from the record, if the Court please?

The Court: Yes, you may.

Mr. Gladstein: What page is that?

Mr. McGohey: 10,204.

"Q. At this session or any subsequent session was anything said about 'armed bands'?"

Answer by this witness: "I think something was, yes.

"Q. Do you recall what was said and who said it? A. At a subsequent session."

(T-10,283) Recross examination by Mr. McGohey:

Q. Mrs. Hood, do you wish to change your testimony which I just read, that is, the testimony you gave this morning about when Fanny Hartman talked about armed bands?

Mr. Crockett: I object to this question, your Honor, and I should like to be heard on it.

The Court: I can't see what argument would have to do with it except perhaps affect the cross-examination, but I will hear you.

Mr. Crockett: I have no desire to affect the cross-examination.

The Court: Well, I will hear you.

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Mr. Crockett: But I do want the record to be straight.

The Court: Now before I hear you I am going to see to it we all have perfectly clear in mind what we are talking about.

Now, Mr. McGohey, you read that testimony and let's have the question so we know exactly what we are talking about when we hear Mr. Crockett's argument.

Now this is the testimony—

Mr. McGohey: Of this witness given this morning as it appears on page 10,204 of the record.

The Court: This same witness, Mrs. Hood.

Mr. McGohey: This same witness, Mrs. Hood.

(T-10,284) Question by Mr. Crockett: "At this session or any subsequent session was anything said about 'armed bands'? A. I think something was, yes.

"Q. Do you recall what was said and who said it? A. At a subsequent session."

Q. Now I ask you, Mrs. Hood, do you desire to change that testimony at this time?

The Court: Now we will hear Mr. Crockett's argument.

Mr. McGohey: Very well.

Mr. Crockett: There is no necessity for any change of testimony. The witness at this time has testified that to her best recollection this first session was a very long session and may have carried over to a subsequent meeting and she said that she was not sure whether the statement made by Fanny Hartman was made at the first session or at some subsequent session. My objection is to the implication that there is some inconsistency between the testimony given by the witness on direct examination and the testimony given on cross-examination.

The Court: It is just exactly what I thought you were going to do. I will overrule the objection.

Now what is the answer?

Frances A. Hood—for Defendants—Recross

A. I wish to let my testimony stand. I still think it was at the second session, which was a continuation of (T-10,285) the first.

Q. Very well. Now you testified on cross-examination I think, Mrs. Hood, that Government's Exhibit 155-B was used in teaching during the period from April 1, 1945 to July 20, 1948 (handing).

Mr. Gladstein: Your Honor, may I suggest this is not proper recross examination.

The Court: Overruled. You realize it is the Dimitroff report that has been handed the witness.

Mr. Gladstein: But there was nothing on redirect and recross, as I understand it.

The Court: Well, I don't want to hear any argument about it. The Dimitroff report was brought up here.

Mr. Gladstein: That was brought up in cross-examination.

The Court: I am going to allow it, Mr. Gladstein.

Mr. Gladstein: No questions were asked on direct.

The Court: And this gives the witness plenty of time; so you have served your purpose.

Mr. Gladstein: Oh, I object to that. I made an objection in good faith, which I think is legally correct.

Mr. McGohey: May I point out something to the Court?

The Court: Yes.

(T-10,286) Mr. McGohey: There was brought up on redirect examination the teaching of the Communist Party concerning the capitalist system, there was brought up the teachings of the Communist Party concerning the overthrow of the Government by force and violence, and furthermore it is getting close to the recess time.

Q. Now my question, Mrs. Hood, was—my point that I made to you was that you had testified during cross-examination that this Exhibit 155-B, which is part of the Dimitroff speeches and reports, were used currently in

*Excerpts From Government's Exhibit 155-B,
Read into Record*

teaching during the period April 1, 1945 and July 20, 1948. A. Yes.

Mr. McGohey: Now I desire, your Honor, to read from that exhibit.

The Court: You may do so.

Mr. Crockett: Will you let me know what page?

Mr. McGohey: Exhibit 155-B begins at page 87.

"Comrades"—your Honor, I think I can save time by not reading from the beginning but by picking up the paragraph which is the second full paragraph on page 88.

The Court: You may do that and I will follow my regular course of permitting the other side to read the remainder of it or such other portions as they desire should they be so advised.

Mr. McGohey: Yes. Reading from the second (T-10,287) full paragraph on page 88:

"But while it is sufficient for the establishment of the united front of the Communist and Social-Democratic Parties to have an agreement to struggle against fascism, the offensive of capital and war, the achievement of political unity is possibly only on the basis of a number of definite conditions involving principles.

"This unification is possibly only:

"First, on condition of their complete independence of the bourgeoisie and the complete rupture of the bloc of Social-Democracy with the bourgeoisie;

"Second, on condition that unity of action be first brought about;

"Third, on condition that the necessity of the revolutionary overthrow of the rule of the bourgeoisie and the establishment of the dictatorship of the proletariat in the form of Soviets be recognized;

"Fourth, on condition that support of one's own bourgeoisie in imperialist war be rejected;

*Excerpts From Government's Exhibit 155-B,
Read into Record*

"Fifth, on condition that the Party be constructed on the basis of democratic centralism, which ensures unity of will and action, and has been tested by the experience of the Russian Bolsheviks."

(T-10,288) Now if the Court please, I propose to go over and begin reading from the first full paragraph beginning on page 90 over to the end of the sixth line on 91 in the same exhibit.

The Court: Very well.

Mr. McGohey: "Why is it necessary to recognize the necessity of the revolutionary overthrow of the bourgeoisie and the establishment of the dictatorship of the proletariat in the form of Soviet power?

"Because the experience of the victory of the great October Revolution on the one hand, and, on the other, the bitter lessons learned in Germany, Austria and Spain during the entire post-war period have confirmed once more that the victory of the proletariat is possible only by means of the revolutionary overthrow of the bourgeoisie, and that the bourgeoisie would rather drown the labor movement in a sea of blood than allow the proletariat to establish Socialism by peaceful means. The experience of the October Revolution has demonstrated patently that the basic content of the proletarian revolution is the question of the proletarian dictatorship, which is called to crush the resistance of the overthrown exploiters, to arm the revolution for the struggle against imperialism and to lead (T-10,289) the revolution to the complete victory of Socialism. In order to achieve the dictatorship of the proletariat as the dictatorship of the vast majority over an insignificant minority, over the exploiters—and only as such can it be brought about—for this are needed Soviets embracing all strata of the working class, the basic masses of the peasantry and the rest of the toilers, without the awakening of whom, without the inclusion of whom in the front of the revolutionary struggle, the victory of the proletariat cannot be consolidated.

*Excerpts From Government's Exhibit 155-B,
Read into Record*

"Why is the refusal of support to the bourgeoisie in an imperialist war a condition of political unity?

"Because the bourgeoisie wages imperialist war for its predatory purposes, against the interests of the vast majority of the peoples, under whatever guise this war may be waged. Because all imperialists combine their feverish preparations for war with extremely intensified exploitation and oppression of the toilers in their own country. Support of the bourgeoisie in such a war means treason to the country and the international working class."

That completes the reading and I have no further questions.

The Court: Very well.

* * *

(T-10,290) (Witness excused.)

The Court: We better adjourn until tomorrow for the next witness.

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 morning at 10.30.

(Adjourned to July 21, 1949, at 10.30 a.m.)

Frank Hashmall—for Defendants—Direct

(T-10,291)

New York, July 21, 1949;
10.30 a. m.

TRIAL RESUMED

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, Mr. Crockett and Mr. McCabe, with respect to whom I am informed the usual stipulation is being prepared for signature and filing, and the attorneys for the Government are present.

Mr. Gladstein: Shall I proceed, your Honor?

The Court: Yes, if you will.

Mr. Gladstein: I will call Mr. Frank Hashmall.

FRANK HASHMALL, called as a witness on behalf of the defendants, being duly sworn, testified as follows:

Direct examination by Mr. Gladstein:

Q. Mr. Hashmall, you live in the City of Cincinnati?

A. That is right.

Q. At what address? A. 3459 Harvey Avenue.

Q. That is Cincinnati, Ohio, is it not? A. That is right.

(T-10,292) Q. What is your business or occupation?
A. Well, I am a machine repair man and salesman, and I am presently employed as chairman of the Communist Party of Hamilton County.

Q. That is, Hamilton County, Ohio? A. That is right.

Q. What main city or cities are located in that county?

A. The main city is Cincinnati.

Q. Yes. You say you are a machine repair man by trade? A. That is right.

Q. In 1948—

The Court: Is that district chairman?

The Witness: County chairman.

The Court: Or county chairman?

The Witness: County chairman.

The Court: County chairman.

Frank Hashmall—for Defendants—Direct

Q. In 1948, in the month of July, was there held a State convention of the Communist Party in the State of Ohio?

A. There was.

Q. Do you recall the day or days on which that convention was held? A. Well, I remember it was the—it was the week end, the first or second week end in July.

Q. Does it seem to you it was the 10th and 11th of July? A. What is that?

Q. Does it seem to you it was the 10th and 11th (T-10,293) of that month? A. Yes.

Q. Did you attend all sessions of that convention? A. I did.

Q. Were you there as an observer or as a delegate? A. I was there as a delegate.

Q. From what portion of the Communist Party did you attend that convention as a delegate? A. I was a delegate from the Columbus Communist Party.

Q. Were you selected by appointment or by election to serve as a delegate? A. I was elected as a delegate from the—from a convention of the Communist Party of Columbus.

Q. Did you attend all of the sessions and proceedings of that convention? A. Yes, I did.

Q. Mr. Hashmall, did you see at that—

The Court: That is the convention of July 10 and 11, 1948?

Mr. Gladstein: That is right, your Honor.

The Court: Not the convention of the Communist Party of Columbus?

Mr. Gladstein: I don't think he has mentioned any convention of the Columbus—

The Court: He said he was elected as a delegate—

Mr. Gladstein: Yes.

The Court: —at a convention of the Communist (T-10,293-A) Party of Columbus.

Mr. Gladstein: Oh, yes, that is right.

The Court: And I thought it well to make it clear in the record that what you were referring to was not that convention but the one of July 10 and 11, 1948.

Mr. Gladstein: That is quite right. Thank you, your Honor.

Frank Hashmall—for Defendants—Direct

(T-10,294) Q. Now at the convention on July 10th and 11th—State Convention—did you see at that convention a man by the name of William Cummings? A. Yes, I did.

Q. Do you know William Cummings, do you? A. Uh huh,—yes.

Q. Did you see a person at that convention by the name of John Blanc or John La Blanc? A. Yes, I did.

Q. Do you know a man named John La Blanc? A. Yes, sir.

Q. Now, Mr. Hashmall, did you at any time during that convention have occasion to make a report to the delegates? A. I did.

Q. Did you make one report or more than one report? A. I made one report at that convention.

Q. Now I want to read to you some testimony that has been given in this case by William Cummings, and then I want to ask you some questions about that testimony. The testimony begins at the bottom of page 5535, and I am reading to you now, Mr. Hashmall, the questions that were put to Mr. Cummings here and the answers which he gave, and then I am going to ask you some questions about those.

The Court: Now will you just pause for a moment, Mr. Gladstein?

Mr. Gladstein: Yes.

The Court: I want to find the place in my notes here.

(T-10,295) (After examining.) Get me Exhibit 121 (to clerk).

(Clerk hands to Court.)

The Court: This was in the East Side Hungarian Hall at Cleveland?

The Witness: I think it was, but—

The Court: You don't remember that?

The Witness: I am not absolutely sure.

The Court: Well, you were just telling us that you were there as a delegate.

The Witness: That is right.

The Court: Don't you remember where it was?

The Witness: Well, if I can think about it a minute I am sure I can recall.

Yes, it was held there.

The Court: All right.

Frank Hashmall—for Defendants—Direct

Q. Now this is the testimony that was given by Mr. Cummings. I want you to listen to it carefully:

“Q. Mr. Cummings, in your testimony I think you mentioned the name of Frank Hashmall. Was Frank Hashmall a member of the State Committee? A. He was, he was a member of the State Committee.

“Q. Did Frank Hashmall speak to the 1948 State Communist Party Convention in Ohio?”

Mr. Gladstein: Your Honor, may I eliminate in (T-10,296) the course of reading this testimony the objections and so on which do not deal with it?

The Court: Yes, it will be a favor.

Q. (Continuing) The last question is:

“Did Frank Hashmall speak to the 1948 State Communist Party convention in Ohio? A. He did. I think he spoke the second day, and I think he spoke on youth work. I think he reported on youth work.”

The Court: On what?

Mr. Gladstein: Youth—y-o-u-t-h.

Q. (Continuing) “Q. What else did he speak about? A. His report was on youth work and it dealt with youth.

“Q. Did he discuss anything that had happened in Columbus, Ohio? A. I think that was given by a different report by someone else.

“Q. Did Frank Hashmall discuss at that convention the attack made upon his home in Columbus, Ohio? A. It was discussed at that meeting.

“Q. What was said about it? A. He said that his home was attacked—it was said at this convention that his home had been attacked there and they discussed at some length that it was attacks by the Catholic class on the Communist Party. Along that line the discussion went.

“Q. Don’t you remember the discussion?”

That question was ruled out.

(T-10,296-A) “Q. What else did he say about the attack?”

That “he” there refers to you, Mr. Hashmall.

Frank Hashmall—for Defendants—Direct

The Court: This is cross-examination, is it not?
(T-10,297) Mr. Gladstein: Yes, although the witness Cummings had testified concerning Mr. Hashmall on direct.

The Court: But this matter of the attack was brought up first by the defense on cross-examination.

Mr. Gladstein: Yes, in a question.

The Court: Yes.

Q. "Q. What else did he"—
the "he" refers to you, Mr. Hashmall—

"What else did he say about the attack? A. I didn't say he said. I said it was discussed.

"Q. What else was said about the attack? A. Well, there was quite a bit of discussion, I mean there was a discussion, from the floor, I mean it was a broad discussion, and I just can't say what everyone said in regards to this attack."

Mr. Gladstein: Question withdrawn.

Q. The next question:

"Q. Was there any discussion of the manner in which the attack was brought about? A. Let me think for a moment. I know that—I can recall this much, that it was debated there whether they felt—whether that they should do something for—not counter-attacks—well, to protect themselves or not against such attacks.

"Q. Did they discuss filing a lawsuit?"

(T-10,298) That wasn't permitted.

"Q. Wasn't it reported at that meeting that Frank Hashmall's house had been entered and the furniture wrecked? A. That was reported.

"Q. Wasn't it also reported that the police officers in Columbus had been called and had refused to do anything about it? A. That was reported.

"Q. Wasn't it also reported that the attack had been made upon him because he was a member of the Communist Party? A. Well, I can't say that they said the attack was because he was a member of the Communist Party be-

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cause we—in those meetings they did not bring anything up too sharply of that nature because—because of the effect that it would have had on other members of the Communist Party. Now, my being a member of the Communist Party, if it had been brought out clearly that this was—that this attack was on Frank Hashmall because he was a member of the Communist Party, why, I probably would have been afraid to go back to Toledo. And it just wasn't brought out that way."

Now is that testimony accurate?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you report on the subject of youth at that conference?

(T-10,299) Mr. McGohey: Objection.

The Court: I can't remember, Mr. McGohey, whether the subject of his report relative to the youth matter was brought up on Mr. Cummings' direct examination or not. Can you remember as to that?

Mr. McGohey: My recollection is, your Honor, that it was not and that is one of the bases for my objection. Now I have not read the record on the direct testimony on this point, but my recollection, which I think is accurate, is that the questioning of the witness Cummings concerning Mr. Hashmall and his report was brought up first in cross-examination. I would be glad to stop now and look for it.

The Court: Yes. I find no reference in my notes to Mr. Hashmall, which would indicate to me that the matter seemed to me collateral.

Mr. McGohey: And I am relying on my notes also, your Honor.

The Court: Do you claim, Mr. Gladstein, that something with reference to this was brought up on the direct examination of Mr. Cummings?

Mr. Gladstein: I don't have the page reference but the witness Cummings, as I recall it, testified concerning Frank Hashmall at that convention.

The Court: Yes, the question is whether he did (T-10,300) it on direct examination or whether it

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is a collateral matter brought up on cross-examination, which it seems to me it is.

Mr. Gladstein: No, the name of Frank Hashmall and his attendance at that convention came out on direct.

The Court: Hashmall's name and his attendance at the convention would not be the point. The question is whether Cummings gave testimony as to this report.

Mr. Gladstein: That is my recollection, that there was something on direct by the witness Cummings which brought about the inquiry on cross as to what the subject of Mr. Hashmall's report was, and then after that Mr. Cummings—

The Court: Then we will take the time to find it. I don't desire simply to guess at the matter.

Now my notes relative to the testimony of Cummings on direct examination concerning the July convention in Cleveland in July 1948 have reference to his registering as a delegate, to his testimony with reference to a speech by Gus Hall, to another one by Foster as guest speaker, reference to the material on the literature table, the selection of officers; and no reference whatever to any report by the witness who is now on the stand, Mr. Hashmall.

Mr. Gladstein: But, your Honor, I do not see that that makes it collateral because the matter was (T-10,301) brought out first on cross.

The Court: Oh, this matter that you speak of now it seems to me obviously is collateral.

Mr. Gladstein: I am frank to say, your Honor, that I don't understand that because—

The Court: Well, I have a certain hesitancy in starting an argument with you because the matter always seems to lead to some difficulty, and suffice it to say that so far as this alleged attack on the witness is concerned it is obviously collateral as far as the report relative to the youth matter. You know what I have ruled all along here, namely, that as to these various alleged activities of the defendants and their associates I would permit a sufficient amount to make plain to the jury what their position

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was and their general claims; and so we have heard a great deal about the youth movement and the Young Communist League and what the Communists claimed they were doing for young people, what they claimed they were doing for housewives and women, what they claimed they were doing for Negroes, what they claimed they were doing in Spain, and for the Chinese people, and I consider that as to this youth matter there is no occasion to supplement that by testimony on the part of this witness concerning a report made by him in Cleveland in July 1948.

Now that is a rather complete statement. I do not think there is any occasion for argument.

(T-10,302) Mr. Gladstein: Perhaps I can get at it differently, your Honor.

Q. Mr. Hashmall, what, without stating anything about the contents of the report, what did you say as to approximately how long your report took?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you make a report at that convention? A. I did.
Q. With what subject did it deal?

The Court: He has already testified he did and that he spoke on the subject of youth.

Didn't you?

The Witness: No.

Mr. Gladstein: No, your Honor.

Mr. Crockett: No; that is what I wanted to object to before Mr. Gladstein resumed his questioning. In your summation you indicated—

The Court: In my what?

Mr. Crockett: In your summation as to what the witness Cummings had testified to—

The Court: I did not make any summation.

Mr. Crockett: —you said something about—

The Court: I have been groping here to find out whether on the direct examination of Mr. Cummings (T-10,303) there was testimony concerning a re-

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port made by this witness at that convention, and in groping for that information, I indicated merely what was in my notes. I don't see how you can possibly characterize that as a summation by me.

Now, I rule now that you gentlemen are to find the place in the record, if any, where testimony was given by Cummings concerning any report by this witness at that convention; and if you find none, I will rule this testimony out.

Mr. Crockett: It is not my contention that there is any place in the direct testimony of Mr. Cummings where he made a specific mention about this witness. However, I do not believe that that is decisive on the materiality of the testimony that this witness has to offer now.

And in that connection I call your Honor's attention to the fact that the whole subject of this convention was first gone into by the prosecution on the direct examination of the witness Cummings. To the extent, therefore, that they have opened up the whole subject of the convention, who was there, and who spoke—

The Court: So we must hear what everybody at that convention said?

Mr. Crockett: Not necessarily what everybody said, but, to the extent that we can show that something happened which was not even thought of by the witness (T-10,304) Cummings, or which was misconstrued or misstated from that witness stand by the witness Cummings, it becomes not only material to this case but it goes to the credibility of that witness.

The Court: On that theory, you point out that part of the record where Mr. Cummings gave the testimony that you particularly seek to refute.

Mr. Crockett: According to the part of the record that Mr. Gladstein read, the witness Cummings testified that Mr. Hashmall gave a report on youth work. Now, I think Mr. Gladstein and the defendants should be permitted to bring out whether or not in fact Mr. Hashmall made any report on youth work.

The Court: I will permit that.

Frank Hashmall—for Defendants—Direct

Q. Now, as I understand it, you have already said, Mr. Hashmall, that you made a report to the convention; that is correct? A. That is right.

Q. And that the subject of your report did not deal with the subject of youth, is that correct? A. That is right.

Q. What was the subject matter or what were the subject matters with which your report dealt? A. At that convention I—

Mr. McGohey: If the Court please—

Q. Just answer without saying "at the convention,"
(T-10,305) Mr. Hashmall.

The Court: Yes, it would be a wonderful help to us here if the witnesses would listen to the question and just give a responsive answer without all this build-up and all these digressions and explanations that they are not asked for.

Read the question to him, Mr. Reporter.

(Question read.)

Mr. McGohey: I object to the question now. The witness Cummings stated on cross-examination that Mr. Hashmall made a report. According to Cummings, he said he thought he spoke on youth—"I think he reported on youth work." Now the witness—

The Court: I see no harm in permitting him to state what the subject matter of his report was, and I will permit it.

A. I reported on our concentration work and our experiences with force and violence in Columbus.

Q. Were you then, at the time of that convention, connected with any youth work concerning which you could report? A. I was not.

Mr. McGohey: I object to that question.

The Court: I will allow it.

Mr. McGohey: "Concerning which" he could report? I am objecting to the form. He either did or he did not.

Frank Hashmall—for Defendants—Direct

(T-10,306) The Court: Well, it seems to me that if it is merely to refute the claim that when Cummings said that he thought the witness had reported on youth, that he really did not, I am going to permit it.

Q. Now, would you--

The Court: And you had no position in the Party that had any relationship whatever with any of its youth work?

The Witness: That is right.

The Court: You knew nothing about its youth work.

The Witness: That is right.

The Court: So you couldn't report on it?

The Witness: At that time, that is right.

Q. Had you been connected with youth work at some previous time?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Will you state in substance the summary of your report on the subject of concentration and force and violence to that report—to that convention? A. I told the convention how we in the Columbus Communist Party had discussed early that year the question of reaching a much larger group of people in Columbus with the program of the Communist Party, and with (T-10,307) bringing to them the issues of the day.

And I told the convention that we decided, after these discussions, to particularly turn our attention to the workers in Columbus who were beginning to be faced with many problems.

Mr. McGohey: Objection.

The Court: I think that is what the witness claims he said.

The Witness: That is right.

Frank Hashmall—for Defendants—Direct

A. (Continuing) Then I told the convention that we decided to concentrate our energies on the large Timken Roller Bearing factory in Columbus, which is one of the main factories there.

And I told the convention about a series of leaflets which we issued to the workers of the factory; how, in these leaflets, I told the convention, we discussed the various questions that affected the workers in the city and at this factory; how these leaflets discussed such problems as the high cost of living—

The Court: This is what you told them?

The Witness: That is right. This is my—the substance of my report—

The Court: Yes.

The Witness: —to the convention.

The Court: Sometimes you talk in a mode of (T-10,308) speech which seems to be your own description to us now, but what you are telling us really is what you say you told the convention?

The Witness: That is right.

A. (Continuing) And I described these leaflets to the convention. I told how these leaflets dealt with such problems as the problem of civil rights, the problem of the high cost of living, the question of peace and so on. And I gave an example of one of the leaflets that we issued to the workers which dealt with the high cost of living, and I told the convention that this leaflet explained to the workers why the cost of living was high and what could be done to bring prices down.

I also explained to the convention how these leaflets contained the program of the Communist Party. And then I went on to tell the convention about the receptions which were afforded these leaflets by the workers at the Timken Roller Bearing Company.

(T-10,309) Q. In your report did you say whether or not these leaflets were handed out to the workers at Timken? A. That is right.

Q. What did you say? A. I told the convention that all these leaflets were handed to the workers at the Timken Roller Bearing gates—

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The Court: Now, Mr. Hashmall, do you remember what the question was, to begin with?

The Witness: Yes.

The Court: I just want to remind you you were asked whether you reported on force and violence in Columbus and you said you did, and then you were asked to give the report. I allowed it because I thought you were going to come to a subject pertinent to our case here, and you seem to have spoken of a number of other things.

Mr. Gladstein: Your Honor has forgotten, if I may interrupt, that the witness has told that his report covered the work of concentration and force and violence, your Honor.

The Court: Well, I think the general introduction to his testimony here, certainly my impression was that something happened there in his report about force and violence.

Mr. Gladstein: Yes.

(T-10,310) The Court: And I have noticed—I have noticed so many times a disposition to bring in a lot of other things, and I thought perhaps I might help him to get down to the gist of this and not make it too long.

Q. Will you continue, Mr. Hashmall? A. I told the convention how our leaflets and material were received by the workers at this factory—

Mr. McGohey: I object to this, your Honor. Now may I be heard?

The Court: Yes, Mr. McGohey.

Mr. McGohey: If the Court please, I don't believe there is any adequate foundation for the examination of this witness on this question at all. This whole subject of Mr. Hashmall's participation in the Ohio convention arose on cross-examination. Now it is true that the witness Cummings said he thought he spoke on youth. Mr. Hashmall has denied that, and now we are going into something which was not touched on in the cross-examination of Cummings at all. This question of concentration

Colloquy of Court and Counsel

at Timken, the question of whether or not they issued leaflets, and if they did, what the leaflets contained and what the burden of their message was, was never touched on.

The Court: Of course that part disturbs me very much because I remember yesterday with the witness Mrs. Hood, after I had sustained an objection to a question (T-10,311) calling for mental operation and a conclusion of the witness as to whether a certain meeting was a public meeting or not, then she was asked some other question, and one of the first things she did was to explain what was in the pamphlet that was issued and that it had in it something about the public being invited.

Now we are having this witness giving us a description of what was in a lot of pamphlets, and of course we all know that if there were pamphlets and if there were reports, why the pamphlets should be produced instead of having the witness tell about what's in them.

Now that all is relatively unimportant because it is peripheral to this case. The real point at the moment here seems to be that if there was discussion about force and violence out there, I am disposed to hear what was said on the subject and we will see how much bearing it has on our case, because that is what this case is about, the allegations being of conspiracy to teach and advocate the overthrow of the Government by force and violence, and I think I shall now direct the witness to confine himself to what was said on this question—

Said in your report, Mr. Hashmall, at that convention in July 1948, in Cleveland, on the subject of force and violence, so stop telling us what you told (T-10,312) the delegates about what was in the various circulars and the reaction of the workers and all the rest of it, and get right down to what was said on the subject of force and violence.

Mr. Gladstein: May I remind your Honor that Mr. Blanc and other witnesses for the Government dealt at some length with the subject of concentration. A number of Government witnesses discussed

Colloquy of Court and Counsel

that, and there are exhibits in evidence on that subject, and the witness here was in the course of summarizing a portion of his report that dealt with that subject.

The Court: You see, he seems to be telling us what was in these various circulars.

Mr. Gladstein: All right. Would it be permissible then, your Honor—

The Court: No. He is going to tell us now what I understood in the beginning he was going to tell us, and that is what he said on the subject of force and violence and then if there is anything else we will get that later.

Mr. Gladstein: Very well.

A. (Continuing) I told the convention how one of our distributors of leaflets was violently attacked by a number of people while peacefully distributing this material outside the plant gate, and I told the (T-10,313) convention how the authorities—

Mr. McGohey: If the Court please, I must object to this. We are having testimony now by this witness of something that he said he told at the convention of events, the truth of which we have no proof at all.

The Court: Oh, I know; it isn't offered to establish the proof of the statements at all but I gather that he is working up to some discussion about whether they should use force and violence and how they should use it, and so on, so let's hear it.

Mr. Crockett: I want to register an objection to the last remark by the Court.

The Court: Well, Mr. Crockett, what is wrong with the last remark by the Court?

Mr. Crockett: Perhaps we should have it read back, your Honor. I don't want to misquote the Court.

The Court: I said nothing that seemed to me in the slightest degree improper. I have been trying to get this witness to get down to the subject here.

Colloquy of Court and Counsel

Mr. Crockett: May we have it read back?

The Court: No, I see no occasion to read it back.

Mr. Crockett: Because, as I understand, the Court implied that this witness was going to—how these witnesses were going to use force and violence.

The Court: Not at all. If the subject was (T-10,314) discussed I want to hear what the discussion was.

Mr. Crockett: That was my understanding, and that is what I was objecting to.

The Court: Well, I am afraid that you understand things in a different sense from what they were said.

Mr. Crockett: May I have a ruling on my objection?

The Court: What is that?

Mr. Crockett: May I have a ruling on my objection?

The Court: Well, what is your motion?

Mr. Crockett: I made no motion. I objected to the Court's remarks and I ask the Court now—

The Court: I understand when a person objects the objection is stated on the record. We have been over this about a dozen times before, you know, and it is because you, as counsel for the defense, desire me to use a certain formula and I do not choose to do it.

Mr. Crockett: I have no desire that the Court use any particular formula. My objection goes to the last remark.

The Court: What you want to do is to start a little rumpus, I suppose.

Mr. Crockett: I have no desire to start a little rumpus. I request that I be allowed to finish my statement.

(T-10,315) The Court: Well, if you made an objection, Mr. Crockett, the objection is noted and has more to it—

Mr. Crockett: I also ask the Court to instruct the jury to disregard the last remarks.

Frank Hashmall—for Defendants—Direct

The Court: Now we are getting down to something. I refuse to give such a direction as I think there is nothing to give any direction about.

Now go ahead, Mr. Gladstein.

By Mr. Gladstein:

Q. Do you want the last portion read back to you, Mr. Hashmall, so that you can pick up the trend of your thought? A. I remember it.

Q. All right, will you continue, then. A. I told the convention how the newspapers and authorities in Columbus used the attack against one of our distributors to whip up a campaign of lynch hysteria in the city against myself personally, as the chairman of the Communist Party and the Communist Party itself. I told how the newspapers in the subsequent days, after this occurrence—

Q. "This occurrence", you mean the occurrence at the gates of Timken? A. That's right. I told the convention and I showed them enlarged pictures of myself and my home printed on the front page of the Columbus papers and how the papers printed my phone number and (T-10,316) my address, alongside editorials calling for violence against Communists in Columbus.

And I told the convention how in the next days strong-arm squads attacked additional distributors of leaflets and how we issued a leaflet appealing to the workers at Timken's, written by a member of the Communist Party and distributed there, calling for an end to this violence, and I read this leaflet to the convention of the Communist Party.

I then told how the attacks against the distributors had increased and how I had begun to receive threatening telephone calls against me personally. Then I told how we decided that we would bring this matter to the attention of the chief of police of Columbus, Chief of Police Berry, and how I had a conference with Police Chief Berry at which time I asked him to take measures against those people who were violently attacking members of the Communist Party who were peacefully distributing these leaflets, and I asked Police Chief Berry to issue a public statement against violence in Columbus, and much to our shock

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and amazement, I told the convention, Police Chief Berry not only did not issue a statement but he issued another statement, a statement to the papers in which he said that Columbus would not tolerate Communists and that (T-10,317) Communists would get no protection.

Then I told the convention how in the succeeding days paving bricks and rocks were thrown against my house continually, windows were smashed in, how I received additional phone calls threatening me and my family, and how the newspapers continued this attack, and how one night we stopped two drunken men at midnight from entering my home, and called the police and the police came up and would not prefer any charges—they would not accept any charges that I preferred against them, and how these two fellows were released by the police department in Columbus.

Then I told the convention how on the night of March 30th, while I was getting my wife and baby settled in a safer place, how a mob broke into my home and wrecked it, and I read to the convention an account of the wrecking of this home, which appeared in the only morning paper in Columbus, the Ohio State Journal, and I read the full story of this account because it was an apt account which described what took place at the home. And I read this in detail to the convention.

I also told the convention about the aftermath of this attack against my home—

Q. Let me interrupt you for just a moment. May I ask you to identify a document.

(T-10,318) Mr. Gladstein: Will you mark this, please, Mr. Borman (handing).

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

Q. While waiting, I will ask you this question: while you were making the report that you are now summarizing here, was Mr. Cummings present and did you see him at the convention? A. He was present at the convention, at all sessions of the convention.

The Court: You saw him there while you were making this report, did you?

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The Witness: I am trying to think now. I couldn't say that he was there while I was making the report. It was the only report I made.

Q. That's the only report you made? A. That's right.

The Court: Now let us see. This is 9 x J.

Q. Mr. Hashmall, I show you Exhibit 9 x J and ask you to state if you recognize that (handing)? A. I do.

Q. Can you state whether or not that exhibit is or is not the one that you referred to and read to the delegates at the convention of the Ohio State Communist Party in July 1948? A. This is the—this is the one I read.

Q. To the delegates. A. To the delegates.

Q. As a part of your report. A. That's right.

(T-10,319) Mr. Gladstein: I offer it (handing to Mr. McGahey).

Mr. McGahey: That is objected to, your Honor.
The Court: Sustained.

Mr. Gladstein: I didn't hear your Honor.
The Court: I say objection sustained.

I thought what the witness was working up to here was some discussion of this question of force and violence. I consider this particular matter as purely collateral but I am going to permit him to continue his statement of the report.

Q. All right, would you continue with the summary, Mr. Hashmall. A. I—I told the convention how the house remained—was a shambles as a result of the attack against the home, how our furniture was smashed and the house itself was unfit for habitation, and how we had to, as a result of this, move what was left of our belongings out of the house.

I also told the convention how the police department of Columbus, while entering my home after the raid, took a large number of books and my personal possessions out of the home to the police station, and we did not get it back until a month later, I told the convention, after repeated protests.

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(T-10,320) I also told the convention of other things that happened after the wrecking of my home—how Dr. Richard Guy Morgan, the curator of the Archeological Museum in Columbus, was fired from a job which he held for twelve years because his wife's son by a former marriage was the owner of the home that I rented in Columbus.

I also told the convention how the authorities were attempting to take our Post Office box away from the Communist Party—Post Office box which we had in Columbus.

Q. In what name was that box? A. In the name of the Communist Party.

And then I told the convention about some of the conclusions that we had reached on the attacks and the force and violence used against the Communist Party in Columbus.

I told the convention in the first place that these attacks against myself and the Communist Party were evidence of the fears that the powers that be had in the country and in the State, fears about the fact that the people were becoming concerned with the very many pressing problems that they had.

I told the convention that because the people were becoming concerned with the problem of peace, the problem of the cost of living, and so on, that the powers (T-10,321) that be and that the authorities all over were attempting to intimidate the people and that our Communist Party and myself—that we were singled out, I told the convention, because we were offering a program and because in this violence used against us it would open the door to further violence against all progressives and all decent Americans.

And then I told the convention that we also came to the conclusion that this attack was part of a national pattern, that the fascist forces were on the increase in our country and that besides attempting to outlaw the Communist Party through such legislation like the Mundt-Nixon Bill, that these forces were using extra-legal, terroristic methods to intimidate the Communists and through us and through intimidating and outlawing us, to outlaw the progressive rights of the majority of the people in our country.

And I also told the convention that we in Columbus had come to the conclusion that the majority of the people

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in Columbus and the majority of the people in the United States were not in favor of fascism and were not in favor of such violent terroristic methods against Communists and others and that this was evidenced by the fact in Columbus, I told the convention, that one hour after the lynch attack against my home took place, as (T-10,322) soon as it was on the radio the Mayor of the City was besieged with all kinds of phone calls and protests against this attack, that these protests continued for weeks, and I told them that a week after the attack took place Paul Robeson came to Columbus and spoke at two rallies involving close to 5,000 people in Columbus on the question of civil liberties in Columbus.

I also told the convention that our approach to meeting this attack against the Communist Party and the steps to fascism was one of having confidence in the people of our country and in the City of Columbus, was one of leaning heavily on the people, of bringing the true facts and information to the people and through this mobilizing the people against these fascist forces to demand the enforcement of the Constitution of the United States against such violent attacks and such methods of terror.

And then I finally told the convention that we Communists were not intimidated by this attack, that we were going to continue to bring the message and the issues of the day to the people, to build the Communist Party and to build the united movement of the people in our country for democracy and for peace, and that certainly while we do this we would want all the more to guarantee the personal (T-10,323) security as much as we could of members of the Communist Party so that they would not be subjected to this type of attack.

This in substance is what I reported to the convention on July 10 and 11 in Cleveland.

By the Court:

Q. It covered two days, did it? A. The convention covered two days.

Q. But your speech was part on one day and part on another day? A. My speech was on the second day.

Q. The second day. So that when Gus Hall and Mr. Foster spoke you had not yet spoken? A. That is right.

Frank Hashmall—for Defendants—Direct

By Mr. Gladstein:

Q. Mr. Hashmall, did either you or any other person at that convention say that the attacks on your home were committed either directly or indirectly by the Catholic class? A. Certainly not. I repeatedly told the convention that the attacks were not committed by the mass of people in Columbus and certainly not by the mass of Catholics in Columbus.

(T-10,324) Q. Now I will ask you to state whether—

Mr. Gladstein: Would you mark that?

Q. —whether you—

Mr. Gladstein: I withdraw that.

Q. I think you said that you read to the convention a leaflet that dealt with an occasion when violence was used against someone distributing leaflets; is that correct? A. That is correct.

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

(Paper handed to the Court by the clerk.)

Q. I show you Exhibit 9 x K for identification. And state whether you recognize it? A. Yes.

Q. Is that leaflet in any way connected with the one that you read to the convention as a part of your report? A. It is the same leaflet.

Mr. Gladstein: I offer it.

Mr. McGohey: It is objected to, your Honor.

The Court: Sustained.

Mr. Gladstein: Your Honor, may we take the morning recess now? I am about to turn—

The Court: Are you almost through—

Mr. Gladstein: I am about to turn to another aspect of the witness's testimony.

The Court: Very well. We will take a ten-minute (T-10,325) recess now.

(Short recess.)

Frank Hashmall—for Defendants—Direct

By Mr. Gladstein:

Q. Now, Mr. Hashmall, at that same convention did Mr. Gus Hall make a report to the convention? A. He did.

Q. Were you present when it was made? A. I was.

Q. And you heard his report? A. I did.

Q. What was the subject matter with which his report dealt? A. Well, Mr. Hall spoke on the draft resolution, which was presented by the National Committee of the Communist Party. He discussed the—

The Court: July 1948?

The Witness: That is right.

A. (Continuing) He discussed the draft resolution and he also made reference to the attack against my home in his talk.

Q. I want to read you some testimony—

The Court: You speak of the report or speech that Gus Hall made the first time, do you not?

The Witness: That is right.

Q. Well, did he make a main report and did he speak on other occasions during the convention? A. As I recall it, he made a main report and a summary. He might have spoken on other occasions.

(T-10,326) Q. In addition? A. These are the two reports I remember.

Q. On what day was the main report? A. First day.

Q. When was the summary report or remarks made?

A. At the close of the second day.

Q. That would be the close of the convention? A. That is right.

Q. I want to read you some testimony from pages 5533 and 5534. These are questions that were put to the witness William Cummings, and his answers.

Mr. Gladstein: And I will follow the procedure of eliminating the colloquy.

The Court: Yes. This is from Cummings' testimony?

Mr. Gladstein: It is, yes, your Honor.

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Q. (Continuing):

"Q. Mr. Cummings, is it not true that in the course of his speech at the 1948 State convention in Ohio the defendant Gus Hall did discuss—did discuss the draft resolution which you just identified in Defendants' Exhibit LL for identification? A. I think—I always stated the resolution was discussed.

"Q. Was it discussed by the defendant Hall? A. I cannot recall whether it was discussed by—whether the defendant Hall—it was discussed in his report or not, but I am sure it was discussed, but there were other speakers at this convention.

(T-10,327) "Q. Was it not the practice at State conventions which immediately preceded a national convention, when there has been a resolution proposed by the national convention,—is it not the practice for the State chairman to discuss that resolution? A. I would say not necessarily. Any one of the other leaders on the executive committee of the State could have been chosen to make a report on this resolution."

And then skipping to 5534 because there are intervening questions dealing with someone other than Mr. Hall, and picking it up again on the following page:

"Q. Did Mr. Gus Hall in the course of his speech to that convention state that the National Board had adopted the resolution that appears in Defendants' Exhibit LL for identification? A. I wouldn't say that he did either."

Now, is it or not true that Mr. Gus Hall did make the main report upon and give the discussion on the draft resolution of the National Committee? A. He did.

(T-10,328) Q. Now will you listen to some additional testimony also by Mr. Cummings, and these are questions put to him on his direct examination at page 5334:

"Q. Were there any speakers at this convention, Mr. Cummings? A. There was speakers at this meeting.

"Q. Who spoke? A. Mr. Gus Hall gave the main report.

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"Q. Give us your best recollection of what Mr. Hall said at the convention. A. Mr. Hall said that—he spoke of the forces, the Communist forces, in Europe as being democratic forces of the world, and he spoke of the American Army as being an imperialistic forces in Germany—as imperialist forces in Germany."

The next question by the Court:

"What did he say about the United States Army?"
"The Witness: He spoke of the United States Army as being imperialistic forces in Germany."

Now I ask you if in his report Mr. Hall said anything whatever about the American Army? A. He did not.

Q. Will you give us the substance of the report which Mr. Hall gave to that convention—that is, the main report—as you recall hearing it? A. Yes. Well, in commenting on the draft resolution which was before our convention Mr. Hall spoke about the tremendous opportunities that existed to guarantee peace in the world today (T-10,329) and pointed out that the fight for peace was the key task in front of the Communist Party.

The Court: This is his main report?
The Witness: That is right.

A. (Continuing) He also in his main report discussed the economic problems that the workers were beginning to face and pointed to the need to strengthen the fight for wage increases and for lower prices and the general series of economic demands that the workers needed.

He also discussed the question of civil liberties in the country, the growing threat to American democracy as exemplified in the Mundt-Nixon Bill, the growing terror against the Negro people in the South and the North, and also in this connection he spoke a bit about the attack against my home and pointed out, as I remember, that the answer that we Communists give to such violence is to build a mass campaign among the people for civil liberties and that the Communist Party in Ohio was examining every possible field of legal redress for the damage against my home.

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He also in this report spoke about the need for electing a progressive Congress in the forthcoming elections and the question of the full support to Communist candidates in the coming election campaign.

This very roughly is what I remember the (T-10,330) substance of his talk to be, and at the end he called for discussion and debates on the draft resolution and called for its adoption.

Q. Now, were Mr. Hall's remarks in reference to the attack on your home and the violence in Cleveland given by him as part of his main report or as part of his concluding summary to the convention, or did he refer to them on both occasions? A. He referred to it on both occasions.

Q. Did William Z. Foster speak at the convention? A. He did.

Q. Did you hear his remarks? A. I did.

Q. Now I want to read some testimony—

Mr. Gladstein: This is at page 5336, during the direct examination of the witness Cummings.

Q. (Reading):

"Q. Give us your best recollection of what Mr. Foster said at the convention. A. Mr. Foster said at this convention that it's the concensus of opinion that if America should go to war with Russia that Russia would occupy all of Europe and Asia.

"Q. Do you recall whether he said anything else? A. I can't recall him saying anything else at the present time.

"Q. Do you remember whether he said anything concerning (T-10,331) the composition of the Party organization in this country? A. He did. He said that we should have a—elect leaders in the Party that should—that could—that would be capable of giving an account of themselves in a crisis of that kind, speaking of if America should go to war with Russia."

Now did Mr. Foster make remarks of that kind at all during his statement at the convention? A. He did not.

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Q. Did he make those remarks as testified to by William Cummings? A. He did not.

Q. What did he say? A. Well, as I recall it, Mr. Foster spoke rather briefly at the convention and he spoke for peace and the need to achieve a permanent peace in the world, he mentioned that in case war should break out that Wall Street and the American imperialists would not have any allies in Europe, that the people of Europe would not fight such an imperialistic war, and he further pointed out that we needed the kind of leadership in the Communist Party that could unite the American people around the key issue of the day, and that is the question of fighting for peace and for an expanding American democracy.

* * *

(T-10,332) A. (Continued) And that it had to be the kind of leadership which in the course of this fight could educate the American people to Socialism and build the Communist Party. That is what I recall of what he said.

Q. Now the witness John Blanc testified in this case at page 5634 on direct examination, and he was asked—with regard to the same speech by Mr. Foster he was asked this question:

“Q. And will you tell us in your own words what you recall Mr. Foster said at this convention? A. Mr. Foster stated in his speech that Wall Street was out to try to control the world. He further stated that if there was ever war between the Soviet Union and (T-10,333) the United States, the Soviet Union wouldn’t be defeated and that they would occupy all of Europe. He said that in such a war, he said all the free countries of Europe would rally to the aid of the Soviet Union. He further stated that we was to carry out the correct policies within our trade union to benefit the trade—to benefit the Party. I think he wound that speech up by saying that if we was to have socialism that we had to carry out our assigned tasks correctly.”

Frank Hashmall—for Defendants—Cross

Now I ask you, did Mr. Foster in his remarks say at any time that in the event of war the Soviet Union would occupy all of Europe? A. He did not.

Q. His statement concerning Europe, as I understand you, is that the people of Europe would not participate in an imperialist war, is that correct? A. That is right.

Q. Did Mr. Foster at any time say that the Communist Party members were to carry out the correct policies within their trade unions to benefit the Party? A. No.

Q. Mr. Hashmall, at any time have you ever understood, as a member of the Communist Party, that the Communist Party advocates or teaches the overthrow by force and violence of the United States form of government?

(T-10,334) Mr. McGohey: Objection.
The Court: Sustained.

Q. Have you ever been taught as a member of the Communist Party that that Party advocates or teaches the overthrow by force or violence of the Government of the United States? A. Certainly not.

Q. Have you ever so taught or advocated? A. No.

Mr. Gladstein: Cross-examine.

Cross examination by Mr. McGohey:

Q. Mr. Frank—Mr. Hashmall, where were you born?
A. New York City.

Q. When? A. August 20, 1919.

Q. And did you—and whereabouts in New York City?
A. In Manhattan.

Q. And did you continue to live in Manhattan all the time that you were in New York City? A. No.

Q. When did you leave Manhattan? A. About the age of 14 or 15.

(T-10,335) Q. I beg your pardon? A. About the age of 14 or 15.

Q. Then you moved up to the Bronx, didn't you? A. That is right.

Q. Then you went to DeWitt Clinton High School in the Bronx, didn't you? A. That is right.

Q. Did you graduate? A. Yes.

Frank Hashmall—for Defendants—Cross

Q. Have you ever been convicted of a crime? A. I was arrested once.

The Court: Strike that out, and repeat the question.

Q. (Read.)

Mr. Gladstein: Perhaps the witness doesn't know. Sometimes you get picked up—

The Court: Well, he wasn't asked whether he was arrested or not. I don't want any comments at this point.

Mr. McGohey: If the Court please, may I remind—

The Court: You will get an answer.

Mr. McGohey: —may I remind the Court of what occurred yesterday afternoon? Here it comes again. Whenever I press a witness, Mr.—

The Court: A barrage of objections—

Mr. McGohey: —Mr. Gladstein, in defiance of the Court's order, undertakes to make an argument suggesting the answer, and I ask that he be directed to desist.

The Court: Please refrain from that today, (T-10,336) Mr. Gladstein.

Mr. Gladstein: Your Honor, I think in all justice—

The Court: There is no occasion for discussion here. The question was perfectly plain, whether he was convicted of a crime, and he spoke about being arrested once. I struck that out. Now he will answer this question, and I don't want any comment or suggestion from counsel.

Mr. Gladstein: Certainly, he will answer, and I don't want any impression left that he is trying not to.

The Court: You are just going to keep on talking.

Mr. Gladstein: No.

The Court: Well, I tell you to desist.

Mr. Gladstein: I do.

The Court: Now, answer the question.

Frank Hashmall—for Defendants—Cross

The Witness: I was arrested once but I don't remember whether I was convicted of a crime.

Q. What name were you arrested under? A. Frank Parker.

Q. Was that in 1940? A. That is right.

The Court: Frank Parker?

The Witness: That is right.

Q. Isn't it a fact that you were convicted and were given a suspended sentence at that time under the name of Frank Parker? A. I remember being arrested and released that night. I don't recall whether there was a suspended (T-10,337) sentence or a conviction attached to that.

Q. Now, you were arrested by a police officer, weren't you? A. That is right.

Q. And you were taken to a police station? A. That is right.

Q. Then you were released on bail? A. I don't remember being released on bail. I remember being released.

Q. Now— A. There was no bail attached to it.

Q. —where were you living at that time? A. I was living in the Bronx.

Q. Yes; what address? A. (No answer.)

Q. Weren't you living on Bryant Avenue? A. I lived on Bryant Avenue at one time. I wouldn't swear that I was there at the time that I was arrested.

Q. Now, I ask you specifically if you weren't, in 1940, living at 1486 Bryant Avenue? A. I could not honestly say that it was that number. I remember I did live on Bryant Avenue. I think it was after I was married; I think that was the first place I lived in.

Q. Were you married at the time you were arrested? A. I think I was married around that time, immediately—either immediately before or immediately afterwards.

Q. When were you married? A. September 7, 1940.

Q. That is just about the time you were arrested? A. Yes.

(T-10,338) Q. Now, you were arrested for staging a demonstration in opposition to the passage of the Selective Service Act, weren't you? A. Well, it was an anti-war demonstration. It was against war.

Frank Hashmall—for Defendants—Cross

Q. You were handing out circulars urging the defeat of the Selective Service Act, weren't you? A. I think that that was one of the things we urged among others.

The Court: Were you handing out leaflets stating that?

The Witness: Well, I—I don't remember handing out leaflets myself.

Q. Well, there were others with you at the time, were there not? A. There were other people there.

Q. And the group, of which you were a part, were handing out leaflets, were they not? A. Leaflets were being handed out.

Q. Yes, at a subway station? A. I don't say yes to that subway station because I don't remember whether it was at a subway station.

Q. Was it at 161st Street and Prospect Avenue?

Mr. Gladstein: I think this is immaterial, not proper cross-examination, quite remote. I object to it.

The Court: Overruled. He says he doesn't (T-10,339) remember whether he was convicted or not. He is now being asked about what he was charged with, as I understand it.

Mr. Gladstein: Participating, apparently, in distributing leaflets.

Mr. McGohey: Here we go again, your Honor, the same objection that I made before.

The Court: Yes.

Mr. McGohey: Without any leave of Court, my cross-examination is interrupted whenever I press for an answer.

The Court: Yes. I will sustain the objection.

Mr. Gladstein: I would like to count the number of times my cross-examination, during the Government's case, was interrupted.

The Court: Yes, stopping to count that thing, that will be quite a little diversion, which I do not intend to have.

Frank Hashmall—for Defendants—Cross

Mr. Gladstein: Yes, and I am willing to say that Mr. McGohey undoubtedly interrupted my examination quite as often as I have ever interrupted his.

(Laughter in the courtroom.)

The Court: It is nice to get a laugh but not important.

Go ahead, Mr. McGohey.

(T-10,340) Q. This group that you were with was distributing leaflets at 161st Street and Prospect Avenue; that is a fact, isn't it? A. Was at 161st Street, that is right, on the street.

Q. And Prospect Avenue? A. Yes.

Q. And you were charged with disorderly conduct, weren't you? A. I believe that was the charge.

Q. Didn't you appear some time later before a magistrate, and particularly—specifically Magistrate Raphael P. Murphy? A. I don't remember the name of the magistrate. In fact, the incident had become almost forgotten. I really don't recall what the outcome was. The thing that I remember was that we were released that night, and I don't even recall whether we had to go back at any other occasion.

The Court: Will you read the question to the witness, Mr. Reporter?

Q. (Read.) A. I honestly don't remember.

The Court: You don't remember the name of the magistrate?

The Witness: I don't remember ever appearing before a magistrate.

The Court: Very well.

Q. This demonstration in which you were engaged occurred, you say, in October—September 1940; that is (T-10,341) correct? That is before Russia was invaded by Germany, isn't it?

Mr. Gladstein: I object to that, improper cross-examination.

The Court: Overruled.

A. That is right.

Frank Hashmall—for Defendants—Cross

Q. You were opposed to American participation in the war at that time, weren't you, Mr. Hashmall? A. That is right.

Q. Did you change your views after Russia was invaded?

Mr. Gladstein: I object to this.

The Court: Overruled.

A. I changed my views on the nature of the war.

Q. After Russia was invaded? A. After the war had become an anti-fascist war against Hitler, which took place after Russia was invaded.

Q. After you left DeWitt Clinton High School you went to City College, didn't you? A. That is right.

Q. Did you become a member of the Young Communist League while you were at City College? A. That is right.

Q. When? A. I believe it was in '36—1936.

Q. What class were you in in City College at that time? A. The class of 1940.

The Court: That is, you were 17 when you joined the Young Communist League?

(T-10,342) The Witness: Approximately.

Q. Do you know the defendant John Gates? A. I do.

Q. When did you first meet him?

Mr. Gladstein: I object to that.

The Court: Overruled.

A. Oh, I couldn't say. I have known him as a leader of the Young Communist League. I probably didn't first meet him personally until 1940 or thereabouts.

Q. Where did you meet him when you first met him?

Mr. Gladstein: I object to that.

A. I don't remember exactly.

Q. Was it in New York?

The Court: Overruled.

Mr. Gladstein: I object.

The Court: Which defendant is this with reference to?

Frank Hashmall—for Defendants—Cross

Mr. McGohey: John Gates, your Honor.
 The Court: Yes.

Q. I ask you, Mr. Hashmall, was it in New York that you met him, Mr. Gates? A. Yes.

Q. In connection with—where did you meet him in New York? A. I don't remember exactly where.

Q. Was it at Party headquarters at 35 East 12th Street? A. I couldn't say exactly where, the first time I met him. (T-10,343) Q. Do you know the defendant Gil Green? A. Yes, as a leader of the Young Communist League and Communist Party.

Q. Where and when did you first meet Gil Green? A. I don't remember really ever meeting Gil Green.

Q. Do you know the defendant Hall, Gus Hall? A. That is right.

Q. When and where did you first meet him? A. Well, I met Mr. Hall in Cleveland—

Q. When? A. —Ohio. I think it was in 1944.

Q. Do you know the defendant Henry Winston? A. Yes.

Q. When and where did you first meet him? A. I met him in New York. I don't know exactly where the first time was.

Q. Well, did you meet him while you were in the Young Communist League at City College? A. I don't remember whether it was while I was in school or after I got out of school that I first met Henry Winston.

Q. You met him in connection with your activities in the Young Communist League? A. Yes, sir.

Q. Do you know the defendant John Williamson? A. Yes.

Q. When and where did you first meet him? A. I believe I met Mr. Williamson in Ohio, probably some time in 1944. (T-10,344) Q. Where in Ohio? A. Cleveland.

Q. Do you know the defendant Carl Winter? A. I know him as a leader of the Communist Party.

Q. When and where did you first meet him? A. Oh, probably the first time that I ever really met him was about two weeks ago or so.

Q. I did not get the answer. A. Probably about two weeks ago.

Q. First time you ever met the defendant Carl Winter was two weeks ago? A. Probably, roughly.

Frank Hashmall—for Defendants—Cross

Q. Where? A. I met him at the office of the defense committee.

Q. Here in New York City? A. That is right.

Q. Over on Broadway here? A. That is right.

Q. And have you been here since that date when you first met him two weeks ago? A. No.

Q. Did you go back to Cleveland? A. No.

Q. Where did you go? A. Home, to Cincinnati.

Q. You went back to Cincinnati? A. That is right.

Q. Then when did you come back here? A. Oh, I think it was about four days ago.

Q. By the way, have you been in the courtroom here during any of the testimony of witnesses who preceded you on the stand? A. Yes.

Q. Whose testimony did you hear? A. I heard Mrs. Hood.

(T-10,345) Q. When did you join the Communist Party? A. I joined the Communist Party in 1938.

Q. Where? A. What was that?

Q. Where? A. In New York.

Q. What club did you join? A. I believe I joined a club in the Bronx.

Q. What was the name of the club? A. I don't remember the name of the club.

Q. Where was it located? A. It was in the South Bronx.

Q. Whereabouts? A. I believe it was around where I lived at the time.

Q. And where did you live at that time? A. On Fox and Longwood—Fox Street and Longwood Avenue in the Bronx.

Q. Who was the organizer of your club? A. I don't remember; it's too far back.

Q. Do you know the name— A. It's too far back.

Q. 1938. Now, will you give us the name of any officer of the club at the time you joined it?

Mr. Gladstein: I object to this, if your Honor please.

The Court: Overruled.

Mr. Gladstein: May I suggest that it not—

The Court: I don't want any talk about it, Mr.

(T-10,346) Gladstein.

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Mr. Gladstein: May I have leave—

The Court: You will please desist from further comment now. We had enough of that yesterday.

Q. Mr. Hashmall, can you give us the name of any officer of the club at the time you joined it in 1938? A. I can't recall the name of any officer of that club.

Q. How long did you remain a member of it? A. Of that particular club?

Q. Yes. A. Oh, probably for two years or so.

Q. Now who recruited you into that club?

Mr. Gladstein: I object.

The Court: Overruled.

A. I don't remember anyone recruiting me into that particular club. I do remember that based on my experience in the Young Communist League and my acquaintanceship with the works of Marx and Lenin that I wanted to join the Communist Party, and I think I went to the headquarters of the Communist Party—

Q. Where? A. In the Bronx.

Q. In the Bronx? A. Yes.

Q. And where was that? A. I don't remember exactly where it was located. I think that—well, I don't remember exactly the street that it was located on at that (T-10,347) time.

Q. Well, in any event, you went there? A. Yes.

Q. And you were interviewed by somebody? A. Yes.

Q. This was in 1938? A. Yes.

Q. Who interviewed you?

Mr. Gladstein: I object.

The Court: Overruled.

A. I—I can't remember who it was.

Q. Did you fill out an application? A. Not that I recall.

Q. Did somebody propose you for membership? A. I don't remember whether anyone proposed me. It was a very normal thing. I went to the county headquarters and told them I wanted to join the Communist Party.

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The Court: Can anybody get in by just walking in and signing up?

The Witness: Well, I just want to explain that—

The Court: Just answer that question. Can anybody get into the Communist Party by just walking in and signing up?

The Witness: Any honest person can make application for membership in the Communist Party.

Q. Who determines the honesty of the applicant? A. The people who know him.

Q. What are the tests? A. A person who is sincerely (T-10,348) interested in advancing the needs of the people of our country.

Q. And were you subjected to some examination to determine your qualifications under those standards? A. There was no examination that I was subjected to.

Q. Then how was it determined, if it was determined that you met those specifications and standards? A. Probably by the people in the Community who were in the club who knew me and knew about my interests and my sincerity.

Q. And there were some people in the community that knew your sincerity, and so on? A. There undoubtedly were.

Q. Were they—did you give their names to the person who introduced you at the Communist Party Headquarters in the Bronx? A. I don't remember giving—I don't remember the exact—whether I was interviewed by—I think I was interviewed by someone. I don't remember giving them any names of anyone. My general impression was that I was known by people in the community, I was known by them already, and based on that I became a member of the club.

Q. Now did you have a recommendation from—I withdraw that.

Q. Who was the head of the Young Communist League unit in City College of which you were a member?

Mr. Gladstein: I object.

(T-10,349) The Court: Overruled.

A. I don't remember who it was.

Frank Hashmall—for Defendants—Cross

Q. Now can you tell me who it was at the time in 1938 when you joined the Communist Party?

The Court: This is the head of the Young Communist League.

Mr. McGahey: The Young Communist League unit at City College.

A. I am afraid I couldn't.

Q. Before joining the Communist Party did you discuss your joining the Communist Party with the head of the Young Communist League unit at City College? A. I could have but I don't remember—

Q. No, I asked you, did you. A. I don't remember.

Q. Do you know whether you got a recommendation from anybody in the City College Young Communist League unit to the Communist Party? A. I don't remember.

Q. Now when you were in the Young Communist League did you attend any Communist Party schools? A. I did not.

Q. Since you joined the Party, the Communist Party, have you attended any Communist Party schools as a student? A. Not that I can remember, no.

(T-10,350) Q. You joined the Party in 1938 in the Bronx and, as I understand your testimony, you remained in the Bronx until 1940; is that correct? A. No, that is not correct.

Q. What year was it you left the Bronx? A. 1944.

Q. 1944? A. That is right.

Q. Well, the year 1938, when you joined the Communist Party, did you attend any Communist Party school in that year? A. No, I did not. I may have taken a course at the workers' school at that time but I did not attend any Party school.

By the Court:

Q. Let me see if I get that. You say you may have attended classes at the workers' school? A. Yes.

Q. But you didn't attend any school? A. Any Party school.

Q. Oh, that is because the workers' school was not a Party school? A. Well, it was not a school where the

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classes were directly organized by the clubs of the Communist Party or by the sections of the Communist Party. It was not under the direct organization—

Q. Of the clubs? A. That is right.

Q. And if it wasn't under the direction of the clubs then by your process of reasoning it wasn't a Communist (T-10,351) Party school? A. That is right.

Q. But if it was organized by the leaders of the Communist Party and financed by persons delegated by them, then it would not be in your definition a Communist Party school?

Mr. Gladstein: I object to the Court's question.

The Court: I am asking him this.

Mr. Gladstein: Yes, but I object to the question.

The Court: Overruled.

A. I am a little confused by the question, your Honor.

Q. Well, I am a little confused by your definition of what is a Communist Party school and what is not. Perhaps it will clear it up for us if you give us the definition.

Mr. McGohey: Before the definition—does your Honor desire the definition now?

The Court: Yes. Sometimes these mental operations puzzle me and I want to see just how he makes that discrimination as to this workers' school.

A. A Communist Party school is a school open for members of the Communist Party.

Q. Only? A. Only. The workers' school was open to the public.

By Mr. McGohey:

Q. Who ran the workers' school? A. I don't know.

(T-10,352) Q. Who were your teachers? A. I just took one or two courses and it was quite some time ago. I don't remember the teachers.

Q. Where was it held? A. Downtown at 35 East 12th Street.

Q. What is 35 East 12th Street? A. It is a building in which the workers' school was—had a number of floors in

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which it met. I think it also contained the Daily Worker—the printing of the Daily Worker.

Q. Did it also contain the headquarters of the Communist Party? A. That is right, yes.

Q. And the headquarters of the Young Communist League? A. I believe the Young Communist League was located there at the time.

Q. And did it also contain the headquarters of the New York State Committee of the Communist Party? A. I believe so, yes.

Q. Now is there anything else in that building 35 East 12th Street, or rather, was there at the time you attended the workers' school, outside of these organizations that you have mentioned? A. I don't know what was in the rest of the building—what was or wasn't there.

By the Court:

Q. Am I right that you testified that you don't remember the name of any of the instructors who taught you in that (T-10,353) school? A. I don't remember the name. I just took one or two courses.

Q. I am making a little note and I was not sure of that. Now am I right that you don't remember the name of any of the instructors who taught in that school? A. That is right.

By Mr. McGahey:

Q. How long did you attend the sessions at the workers' school? A. Well, I don't remember exactly. I believe I took a couple of courses and it might have extended over a period of a year or so.

Q. Well, what courses did you take? A. I took a course in the principles of Communism and Political Economy.

Q. Now in connection with the course on the principles of Communism—is it? A. That is right.

Q. How many nights a week did you have class in that course? A. One.

Q. One night a week? A. I believe, yes.

Q. And how many nights a week did you have class in political economy? A. I believe that was one night also.

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Q. They were separate nights, were they? A. Well, I don't remember. It might have been on the same night or it might have been separate nights.

Q. And the course, you say, lasted about a year? A. Well, I don't remember whether I took them simultaneously. (T-10,354) I think that I took the principles of Communism over a period of time and then political economy over a period of time.

The Court: The total might have been a year?
The Witness: That is right.

Q. But let's take the course on the principles of Communism. How long a period of time was consumed by the course in that subject? A. Oh, probably three or four months.

Q. Three or four months. One night a week? A. Yes.

Q. How many hours a night? A. I believe it was an hour and a half or two hours.

Q. And was it the same night each week? A. Yes.

Q. Now did any of the defendants teach any of the classes in the principles of Communism during that period? A. Classes—

The Court: In that school.
Mr. McGohey: In that school.

A. Classes that I attended?

Q. Yes. A. No.

Q. Who did teach?

Mr. Gladstein: That has been answered, your Honor, several times. I object to it.

The Court: What is it, Mr. Gladstein?

Mr. Gladstein: I say I think the same question (T-10,355) has been asked and answered at least twice; so I object to it.

The Court: Perhaps his recollection has been refreshed by his remembering the hours and the various other details that he has testified. Perhaps that has refreshed his recollection so that he perhaps now remembers the names of some of the instructors.

Do you?

The Witness: I do not.

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Q. Did the defendant Gilbert Green at any time during that course in the principles of Communism come and lecture to the class? A. I don't think so. If he came I believe I would have remembered it.

Q. Did the defendant Stachel come and lecture at any of those classes? A. No.

Q. Did the defendant Williamson? A. No, I don't remember him.

By the Court:

Q. How many of these boys were up in that group at City College in the Young Communist League when you were there? Just a few? A. Oh, there were a few.

Q. Maybe about three or four of them? A. No, there were more than that.

Q. About ten? A. I think, as far as I can remember, about 20 or so.

(T-10,356) Q. Was there a leader, a man in charge? A. There must have been, yes.

Q. Don't you remember? A. Well, I—at that time I hadn't—

Q. You see, you were 17 then and full of energy and vim. Don't you remember who was the leader? A. I don't remember. I can't recall—I have been trying to—who the chairman of that group was.

The Court: All right.

By Mr. McGohey:

Q. Now these classes that you attended in the principles of Communism and political economy, were carried on during the year 1938 at 35 West 12th Street? A. I believe so.

Q. East 12th Street, rather. A. I believe so, yes.

Q. That is the only school you went to in 1938? A. That is right.

Q. Now in 1939 did you go to any Party School? A. I did not, unless the workers' school course extended over into 1939.

Q. Did it? A. I don't remember.

Q. Well, in 1940 did you go to any Party School? A. I did not.

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Q. 1941? A. I did not.
Q. 1942? A. No.
Q. 1943? A. No.
(T-10,357) Q. 1944? A. No.
Q. 1945? A. No.
Q. 1946? A. No.
Q. 1947? A. No.
Q. 1948 up until July 20th? A. No.
Q. Very well.

Have you ever taught at any Party school since you became a member of the Party? A. I taught one course on the principles of Communism in the workers' school.

Q. Where; in the workers' school? A. That is right.
Q. New York City? A. That is right.
Q. And when was that? A. I believe it was 1940.
Q. 1940? A. Yes.

Q. Now who appointed you to that position of teaching in that school?

Mr. Gladstein: I object.
The Court: Overruled.

A. I think the director of the school.
Q. Who was he?

Mr. Gladstein: I object.
The Court: Overruled.

Q. Or she, if it was a lady? A. I think that it was at that time—I am not sure—I am not sure who it was. I believe it was Markoff who was director of the school.

(T-10,358) Q. Who? A. Markoff.
Q. Will you spell that name? A. I think it was M-a-r-k-o-f-f.

Q. What was his first name? A. I don't remember his first name. I remember him and his name. He was director of the school.

Q. Did you know him by any other name? A. No, I did not.

Q. Is Mr. Markoff still living, do you know? A. No; he died.

(Laughter.)

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Q. When? A. I don't remember the exact year.

Q. Did he invite you to come in there to the school and teach? A. I think I received a call from him and he asked me to teach.

Q. Had he been one of your teachers at the time you took the course? A. No, he hadn't.

Q. Do you know whether anybody recommended you to him as a person capable of teaching? A. Well, I assumed at the time—

Q. No; I asked you do you know whether or not anybody recommended you to him? A. No, I do not.

Q. Do you know how he came to select you? A. I don't know.

Q. Did you get word directly from him? A. I believe (T-10,359) I got a phone call while I was at the office of the Young Communist League and he asked me to teach, and then I said I would, and later on I think I was interviewed for just a short while.

Q. By whom?

The Court: So the answer is Yes?

The Witness: Yes.

Q. Did you teach at any other schools or any other classes besides this one that the late Mr. Markoff invited you to teach at? A. You know, I have led a number of club discussions.

Q. You say I know. I really don't know. A. A number of club discussions after the first couple of years that I have been in the Communist Party. I would say since 1940. Innumerable club discussions and classes.

Q. In your own club? A. No.

Q. Well, now, how about organized schools of the Party? Have you taught at any of those? A. No, I haven't.

Q. Now I direct your attention specifically to the time you have been in Ohio. Have you taught at any schools since you have been in Ohio?

Mr. Gladstein: I object to this, your Honor.

The Court: As repetitious?

Mr. Gladstein: No; it is improper cross-examination. It is improper—it is immaterial.