

Fanny Hartman—for Defendants—Direct

of armed workers against the existing state government.

“Q. Do you recall where it was?”

There was a motion to strike and it was denied and the answer was:

“A. Yes, sir, this meeting was held at 3 Hancock Street in Boston. It is a little brick building. West End Communist Club headquarters on the second story of this brick building at 3 Hancock Street. The date was some time in October, I believe—around October— (T-9882) The latter part of October, 1945.

“Q. And the person who was conducting the class? A. Fanny Hartman conducted the first session of this particular meeting.

“The Court: Fanny Kaplan?
“The Witness: Fanny Hartman, H-a-r-t-m-a-n. And they had sort of some guest teachers there, I guess you would call them. There was—one of the teachers was a man named Sam; and another of the instructors was a woman by the name of Helda McGarvey.”

Then Mr. Gladstein said,

“Let us have that name, please.
“The Witness: McGarvey. I believe it is M-c-G-a-r-v-e-y. The name is also in the Sam Adams School of Boston, if you want to check the spelling.”

And now I ask you were you present at this October 1945 meeting referred to by the witness Philbrick in the testimony I just read? A. I was.

(T-9883) Q. Was that on October 15th—

The Court: I didn't hear her answer. Did the witness say “Yes”?

The Reporter: “I was.”

Fanny Hartman—for Defendants—Direct

Q. Is this meeting the meeting of October 15th which you called in Government's Exhibit No. 38? A. That is right.

Q. It is the same meeting. Were there any guest teachers at that meeting? A. Not that I recall.

Q. Did you attend the sessions of the training course that followed that meeting? A. I did.

Q. Were there any guest teachers invited by the Party to come in and teach at any of those classes? A. There were not. It was a self-conducted class.

Q. What do you mean by "self-conducted"? A. The students were the teachers, they took turns in preparing the material and topics, questions and answers, and I was generally there to summarize and to answer any questions which they felt were tangled up.

The Court: Yes, but the point it, there were no guest teachers there, such as Mr. Philbrick said. Now, your testimony is there were not. Am I right about that?

The Witness: That is right.

Q. Do you recall approximately how many people were present at this October 15th meeting, that is, the first (T-9884) meeting? A. 15 or 20 people. I don't know the exact number.

Q. Can you tell us who they were? A. I remember a few of them. I remember Frances Hood was there, a girl from the West End.

Q. When you say "West End," that is your club, is that right? A. That's it. Alice Warden was there. She was from the West End Club. There were people from other clubs, some of whom I had never seen, because it was the clubs who decided who was going to be in the class. I can't remember—fellow by the name of Joe. I don't know, I can't remember any more.

Q. Was the witness Philbrick present at that meeting? A. I cannot remember that.

Q. Do you recall seeing him there? A. I just can't remember it.

Q. You knew Philbrick at that time, did you not? A. I did.

Fanny Hartman—for Defendants—Direct

Q. If he had been there, would you recall it?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was Helda McGarvey, who is referred to by the witness Philbrick as having been present, was she present at that meeting or at any of the classes? A. Not that I recall.

Q. Was there a man there named Sam that you know of? (T-9885) A. If there was, I don't know what Sam.

The Court: Did you know this Helda McGarvey?

The Witness: Yes, I did.

The Court: At that time?

The Witness: I did.

Q. I think you stated you attended each session of this course? A. Yes, I would come in to each session, listen in, sometimes participate, sometimes summarize.

Q. Let us deal with just the first meeting, this October 15th meeting, and will you tell me who opened that meeting? A. I did.

Q. Tell us how the meeting was opened. A. Well, I opened the meeting by repeating under what circumstances this class was organized and, that is, I was getting requests—

Q. This is what you told the assembled group? A. That is right. I opened by saying I was getting requests from all the clubs, "We want classes," "We want discussions," requests for teachers, and there weren't enough available, and that, in order to meet that problem, I discussed with them, "Let's get the people together from your clubs who can and want to become such discussion leaders and let's organize a training class, a self-training class." And I said that my responsibilities in connection with all the convention decisions were very (T-9886) heavy; I prepared this draft, over-all outline and this first session, and suggested that for the rest of the sessions volunteers undertake to present the material.

Some objection was raised on the ground that everybody was busy and working and conducting activity and

Fanny Hartman—for Defendants—Direct

there was little time to read. And I said that was true, that was true of our whole membership, "You work in a textile mill and you come home at night and you try to read the Communist Manifesto"—

Mr. McGahey: May I inquire if this is what the witness said at the time?

The Court: That is what she says she said.

Am I right about that, Miss Hartman?

The Witness: Yes.

A. (Continuing) —“and you are awful tired. Kind of tough”; and that in many cases we would have to, to meet this problem of an understanding of Marxism-Leninism and what we do, just read passages and discuss them, and we would have to adapt the amount of material and the subject to the group of people. On that basis they agreed with the understanding—I am sorry. I summarized that agreement by discussing then the method and said, “Let’s make it informal, questions, answers, and then I can summarize, if you want me to.”

And I suggested that they draw on their own (T-9887) concrete experiences in discussing the material because, in the classes in the clubs as well, that should be the procedure that we should follow, and that was in general agreement.

And then I went on to teach the first session.

Q. Now, the first session, as indicated by Government’s Exhibit No. 39, was entitled “Section 1, Marxist method of studying social and economic problems. Reading material: Communist Manifesto; Engel’s Socialism, Utopian and Scientific, Section 3; Stalin’s Dialectical and Historical Materialism, pages 34 to 39, or in History of CPSU.” Were those references that were used by you in your conduct of this first session? A. That is correct.

Q. Was this first session held on October 15th? A. That is right.

Q. 1945. In the passage I just read to you from the testimony of the witness Philbrick, he asserts that you presented a definition of revolution at that first session, and that you defined revolution as “The teacher defined revolution as a violent revolution to be carried out by bands of armed workers against the existing state gov-

Fanny Hartman—for Defendants—Direct

ernment." Now, I ask you, did you give that definition of revolution? A. I did not, Mr. Crockett.

(T-9888) Q. Was any such definition of revolution given by anyone at that meeting of that class or at any subsequent meeting, so far as you know? A. As far as I know, no.

Q. I notice, Miss Hartman, that in the outline, which is page 2 of Government's Exhibit No. 39, there is the statement "Define revolution." Was there—or rather—

Mr. Crockett: I withdraw that.

Q. Did you summarize the discussion at the end of this first class? A. Oh, yes, I did.

Q. Now, was there at any time during that discussion, or in your summary, any discussion or definition of revolution? A. Yes, there was.

Q. And who gave that definition? A. Well, as I recall, I asked the question included in this outline, "What is a revolution?" And a lot of people participated; one said, "an economic change," and another said—

Mr. McGohey: If the Court please, if somebody said it, I think we ought to have the name, we ought to have the discussion and the date on which it occurred.

The Court: We have got the date and the place. Do you remember who said that, Miss Hartman?

The Witness: I don't remember.

The Court: And you told us—

(T-9889) The Witness: I just threw out the question and people answered informally from the floor.

The Court: You asked them for their definition of revolution. You did not give the definition yourself?

The Witness: Not in the beginning.

The Court: You asked them?

The Witness: Not in the beginning.

Mr. McGohey: I am inquiring, your Honor, as I understand the testimony as it went along, this class continued over several evenings—

Fanny Hartman—for Defendants—Direct

The Court: This is the first evening, October 15th.

Mr. McGohey: Oh, we are in the first evening? Very well.

The Court: October 15th, when Miss Hartman says, after the preliminaries and explanations of how it came about, and she was teaching the students, she got down to the point where she asked the students to tell her what they thought revolution meant, and she cannot remember the name of the student that asked the question or made the statement that she has testified to.

Am I right about that?

The Witness: Yes.

Mr. Crockett: I think her testimony was that she threw out the general question, "What is a revolution?"

(T-9890) The Court: That is right.

Mr. Crockett: And various students gave their ideas as to what it was.

The Court: And then one said, so far, that it was an economic change. Am I right about that, Miss Hartman?

The Witness: I said one person said, "Economic change." Another said, "Political change." Another said, "Social change." And they just came in rapid succession, and I summarized that discussion.

Q. What did you say about revolution in your summarization of the discussion? A. I said, first, that the word "revolution," especially in Massachusetts, is a very honored name and nothing that we are afraid about. In fact, I pointed out that there is such an organization as Daughters of the American Revolution, and the Sons of the American Revolution, and therefore we weren't scared of the word "revolution." That was No. 1.

Second, I said that a social revolution, not a revolution in machinery—

Mr. McGohey: I did not get that, your Honor.

The Witness: I said that, sir.

Fanny Hartman—for Defendants—Direct

(T-9891) Mr. McGohey: I didn't hear what you just answered.

The Witness: I said that a social revolution as distinct from a revolution when a cart's wheels turn around—

Mr. McGohey: Oh, I see. Thank you.

The Witness: —was a part and product and result as well as a furthering development of the process of the evolution of society historically, because I reviewed the various stages through which the social system had developed in the world.

(T-9892) And that social revolutions in general would change, and the word "change" is an accepted word, and "changes of social system" were accepted words.

I said that the proletarian revolution, as distinct from previous social revolutions—were distinct from previous social revolutions in this sense, that in previous social revolutions, from slavery on, when private property began with the control of the production forces, that revolutions, social revolutions as they developed in keeping with the development of an economic society were transfers from one set, one class who owned and controlled the means of production to a rising class and that these transfers took place when the old set was standing in the way of new advance. I used the example of the American Revolution because this was a survey course and we couldn't go into every detail, and I said—and also because they were acquainted with American history, especially the revolutionary traditions of Massachusetts, and I said 13 colonies were being thwarted in developing our economic resources, in building and operating mills and other forms of manufacture by the British monarchy. They wanted to keep our country backward. They wanted to keep our country in a condition where we couldn't grow and become independent because it was to the interest of the (T-9893) economic royalists and monarchies of Britain at that time to make profit out of our young country and not to allow young

Fanny Hartman—for Defendants—Direct

capitalism in our country at that time to develop; and there came a point, I referred to the Declaration of Independence where that kind of relationship became intolerable, and as much as the monarchy in Britain tried to keep the young capitalism from growing, the young capitalism in our country had to grow and we had to develop, and there was a change, a change in the social system as to our relation with old monarchy and now developing a capitalist government.

That was the beginning of a bourgeois revolution, and then I said, so with a proletarian revolution in this era. A proletarian revolution is not a specific act or a specific method. It, too, is part of a process of development; that proletarian revolutions were in that stage of history where the economic system, capitalism, had outlived its usefulness and conditions were becoming intolerable for that class that they oppressed, the exploiters, the big monopolies, and for further advance there had to be a fundamental change in the economic system whereby all the wealth that was produced, all the means of creating more wealth, the means of production through labor were commonly owned; that it wasn't the question of violence. The question (T-9894) was of change and not how that change was going to be effected. That was what I said.

Q. Now tell me, did you, in the course of your summation in the discussion at that meeting, say anything about armed bands, which is the language used by Mr. Philbrick here in purporting to quote a definition that you gave?

A. I did.

Q. Will you tell us in what connection you made any reference to armed bands? A. Yes. It was in the discussion on our American Revolution, and I said that the 13 colonies at first tried to adapt themselves to demands of the British monarchy, to the repressive legislation and they petitioned for a redress of grievance, and the answer from the British monarchy was to send more garrisons of troops, and in self-defense there were organized the Minute Men, the armed bands, the Minute Men of 1776,

Fanny Hartman—for Defendants—Direct

and that was a reference I made to "armed bands." I said that every year we re-enact officially in Boston, Massachusetts, the ride of Paul Revere. He was one of those men, the armed bands of men, the Minute Men of 1776. That's what I said.

Q. Now I call you attention, Miss Hartman, to the second page of Government's Exhibit No. 39 which purports to be—which is, I believe, according to your testimony, (T-9895) the outline of the discussion at this session that you have just mentioned that you gave the summation of, is that right? A. That's right.

Q. Now in telling us what you said in your summation you spoke about your discussion of the development of society through various changes? A. Yes.

Q. Are those changes indicated anywhere on the second page of Government's Exhibit No. 39? If so, will you read them to the jury?

The Court: You mean to have her give a further description of what she said?

Mr. Crockett: Not a further description, your Honor.

The Court: Because I thought she had already told the jury what she said. If there is something further you remember now that you didn't think of a moment ago, I will permit her to state it.

Mr. Crockett: I merely want her to indicate the specific changes in the social development which she says she discussed in connection with revolution.

The Court: Well, I will permit her to add anything that she now remembers that she didn't think of a moment ago.

(To witness) Can you think of anything else that you didn't mention?

(T-9896) The Witness: Well I—as I recall, I was giving a summary on the definition of revolution.

The Court: Yes.

The Witness: Am I right about that?

The Court: And when you spoke about the various stages do you think now of something addi-

Fanny Hartman—for Defendants—Direct

tional that you said to this group on the various changes that had taken place over the centuries?

The Witness: I think in the summary I quoted.

Q. Can you, by reference to the second page of Government's Exhibit No. 39, Miss Hartman, refresh your recollection and tell us precisely what these various stages were that you discussed in your summation? A. Yes. Primitive communal society, slavery, feudalism, capitalism, socialism.

Q. And those were the changes that you summarized in indicating revolutions and how they come about— A. That is right.

Q. —as a natural process.

Now on the first page of Government's Exhibit No. 39 under the heading "Section 1", reference material is indicated, one being the Communist Manifesto. Was the Communist Manifesto considered at all in this course? A. Yes, it was.

Q. Was it taken up at this first session? A. Yes, (T-9897) it was.

Q. Now I call your attention to page 2706 of the record—

The Court: Before you get to that, how long was this session—about two or three hours?

The Witness: Oh yes, at least that.

The Court: Maybe five or six hours?

The Witness: No, sir. It was two or three hours because people work; but some of the discussion was continued the following week.

The Court: Well, you were only telling us about what happened on this particular occasion on October 15th.

The Witness: That's right.

The Court: Now how long was that session? Two or three hours?

The Witness: I think so.

* * *

(T-9898) Q. I show you, Miss Hartman, Government's Exhibit No. 40, and I call your attention to the preface and

Fanny Hartman—for Defendants—Direct

the introduction which appears on page 8, I believe, of this exhibit, which exhibit is entitled "The Communist Manifesto," and I ask you whether or not the preface and that introduction was discussed at this first meeting of this class? A. It was.

Q. Now was anything said at this first meeting concerning the historical nature of the Communist Manifesto? A. Briefly, yes.

Q. Now on page 2706 of the transcript the following:

"By Mr. Gordon:

"Q. Mr. Philbrick, were you ever taught in class when the Manifesto was written? A. No, sir."

At this meeting on October 15, Miss Hartman, was it pointed out when the Manifesto was written? A. Of course.

Q. The second question by Mr. Gordon:

"Q. Were you ever taught that it was out of date? A. No, sir."

Was there any discussion at this meeting, Miss Hartman, on October 15th concerning the historical (T-9899) significance of the Communist Manifesto?

Mr. McGohey: Objection to that question.

The Court: Sustained. You may inquire as to what was said.

Q. What if anything was said about the historical significance of the Communist Manifesto?

Mr. McGohey: I object to the form.

The Court: Sustained: You see, you put the answer in your question. It is leading.

Q. Can you, by referring to the preface, indicate—well, first, strike that.

Q. Was any portion of that preface read to the group assembled at this October 15th meeting? A. There was.

Q. Will you read the portions that were read at that meeting? A. The Communist Manifesto—let me see. (Examining.)

*Excerpts From Government's Exhibit 40,
Read into Record*

The Court: What page is this?

The Witness: I am looking. (After examining.)

Page 6.

The Court: Page 6 of the preface?

The Witness: That's right.

The Court: It must be in the middle of a paragraph.

The Witness: "The Manifesto being our joint production, I"—

The Court: I have it.

(T-9900) Mr. McGohey: If the Court please, if the testimony, as I understand it, is that somebody read it, I think we ought to be able to know who read it.

The Court: Well, you read it, Miss Hartman.

The Witness: I read it.

Mr. McGohey: Very well.

The Court: Miss Hartman says that she herself read to that class, that evening of October 15, 1945, what she is now about to read to the jury.

Go right ahead, Miss Hartman.

A. (Reading):

"The Manifesto being our joint production, I consider myself bound to state that the fundamental proposition which forms its nucleus, belongs to Marx. That proposition is: That in every historical epoch, the prevailing mode of economic production and exchange, and the social organization necessarily following from it, form the basis upon which is built up, and from which alone can be explained, the political and intellectual history of that epoch; that consequently the whole history of mankind (since the dissolution of primitive tribal society, holding land in common ownership) has been a history of class struggles, contests between exploiting and exploited, ruling and oppressed classes; that the history of (T-9901) these class struggles form a series of evolutions in which, nowadays, a stage has been reached where the exploited and oppressed class—the proletariat—cannot attain its emancipation from the sway of the exploiting and ruling class—the bourgeoisie—

Fanny Hartman—for Defendants—Direct

without at the same time, and once and for all, emancipating society at large from all exploitations, oppression, class distinctions and class struggles."

And I added this—

Q. From what page are you reading? A. On page 7, quote—at the top of the page:

"‘However much the state of things may have altered during the last 25 years, the general principles laid down in this Manifesto are, on the whole, as correct today as ever. Here and there some detail might be improved. The practical application of the principles will depend, as the Manifesto itself states, everywhere and at all times, on the historical conditions for the time being existing, and, for that reason, no special stress is laid on the revolutionary measures proposed at the end of Section II.’”

That is all.

Q. And that is what you read at this first session? A. That is right.

(T-9902) Q. Now I call your attention to page 2737 of the record where the witness Philbrick says this teacher training course discussed—and I am at the bottom of the page— A. I beg your pardon, I didn't get that.

Q. I think it is 2736. I will read it to you.

The Court: That doesn't have to do with this particular session, does it, the October 15 session?

Mr. Crockett: That is what I want to find out, your Honor.

The Court: I don't know how this witness could possibly know what Mr. Philbrick was talking about, but you may ask if this was stated then.

Mr. Crockett: Your Honor's question assumes that Mr. Philbrick was present.

The Court: What is that?

Mr. Crockett: Your Honor's question assumes that Mr. Philbrick was present. The witness testified that she had no recollection of seeing him there.

Fanny Hartman—for Defendants—Direct

The Court: Well, the note I made seemed to me quite neutral, that she had no recollection one way or the other. I have down in my notes "Can't remember whether Philbrick was there."

Isn't that what you said, Miss Hartman?

The Witness: I think what I said was I couldn't remember whether he was there, I tried to remember whether (T-9903) he was there and I can't remember whether he was there or not.

The Court: Well, that is probably different from what I said, but it sounds the same.

Mr. McGohey: It is exactly the same. The witness testified she couldn't remember whether Mr. Philbrick was there or whether Sam was there.

The Court: That is right.

Q. Page 2736 of the record immediately following the question by Mr. Gordon:

"Now you told us yesterday that you were taught in this course in the fall of 1945 that revolutions meant violent revolution. A. That is true, sir.

"Q. Now were you taught anything about the historical time of such a revolution in any country or in the United States. A. Yes, we spent some length of time in taking up that particular subject and I believe, as a matter of fact, it was in the discussion of this particular part of the course, this particular book that we took up this discussion. In the first place we were taught that the time of revolution takes place or can take place in any country in the world but that the time that it takes place depends upon the particular capitalistic development of that country, the stage, the capitalistic stage in which it is in, and that the time of the revolution (T-9904) or the period would take place at the time of capitalism in its highest stage which is imperialism. Imperialism was described to us as the highest stage of capitalism and the final stage of capitalism is sometimes described as moribund capitalism or dying capitalism.

"At that point therefore the whole society is described as being pregnant with revolution and the revolution can take place under two circumstances. In the case of the United States we were instructed that the United States is in a period of capitalism described as imperialism or the

Fanny Hartman—for Defendants—Direct

highest stage of capitalism and that the time of the revolution in the United States will not take place next week or next month or two o'clock Wednesday afternoon but will take place under two circumstances:

- “1. In case of a depression, a heavy depression, and
- “2. 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 now I ask you, Miss Hartman, was there any definition at this meeting of October 15 or at any other subsequent session of this training course at which (T-9905) the matter of violent revolution was discussed? A. There was not.

Q. Was there any statement that you can recall made by anyone that a violent revolution to be carried out by armed bands of workers against the existing state government meant a revolution against the United States of America? A. There certainly was not.

Q. Was there any discussion of any revolution against the United States of America? A. There was not.

Q. Now was there any discussion of the historical time and circumstances in which revolutions occur? A. There was a discussion.

Q. Will you please tell us what that discussion was, and if you can remember who participated in it let's know who participated; if it is something that you said let's know whether or not it is something that you said?

Mr. McGohey: And when.

The Court: That is right. First the time, then the place, then who was there and then what was said.

Q. (Continuing) And the question in case you have forgotten is: Was there any discussion of the historical time and circumstances in which revolutions occur?

The Court: You know, it would make it much easier, Mr. Crockett, as we must have spent whole weeks (T-9906) in the aggregate going over what we went over, if without any prodding or objecting

Fanny Hartman—for Defendants—Direct

you got to one of these circumstances you and your colleagues would follow the regular formula: first, when was it; next, where was it; third, who was there. And if you had done that and your colleagues had done that we would have saved at least weeks of time already in the aggregate.

Mr. Crockett: May I point out that in this case the time and place has been fixed not only by this witness but by the Government witness Philbrick and also by the exhibits. We have that it was a five-session course at the West End Communist Club.

The Court: All right, which session?

Mr. Crockett: I asked her any session.

The Court: That is the part you will never accommodate yourself to when I make a suggestion. There is something about counsel for the defendants in this case that there is no parallel to in the whole history of jurisprudence of this country. I tell you settle first when it was, where it was and who was there, or I will not permit the answer.

Mr. Crockett: There is no intention to disobey your Honor's suggestion.

The Court: You don't have to argue about it. Just go ahead and do it.

(T-9907) Mr. Crockett: I tried to say that I was confused as to what you wanted. Now that I know I will ask the witness.

The Court: I don't know where you got the confusion from. We have been over the same thing about a hundred times.

Q. At what session was there discussion, if there was a discussion, about the historical time for a revolution?
A. The discussion took place when we were discussing imperialism.

Q. That is the third session, according to Government's Exhibit 39, is that right? A. That is right.

Q. Do you remember the date on which that session was held? A. I don't remember the date. The classes were held every Monday night and this may have been the third or fourth Monday night because some of the classes extended for two sessions.

Fanny Hartman—for Defendants—Direct

Q. Now will you tell us what the discussion was?

The Court: Were the same people there who were there at the other time?

The Witness: That is correct.

A. As I recall—I think maybe it was Frances Hood asked me this question about under what circumstances or asked me—that is right, under what circumstances a revolution would take place and I threw the question (T-9908) right back to the group and there were answers back and forth. One I think said, "When things get very tough."

The Court: Do you remember who that was?

The Witness: I don't remember. The questions were just thrown out and people answered informally. It was an informal discussion.

The Court: Yes. The question I asked you was who said that.

The Witness: I don't remember, sir.

The Court: All right.

A. (Continuing) And I said, "We cannot predict under what particular circumstances any country faces a revolutionary situation. Countries develop unevenly. Some countries develop faster, some develop slower, especially in the period of imperialism, this rivalry of countries accelerates the differences between how countries develop, and therefore when and where a revolution would take place and under what circumstances nobody could say, and that there could be no historical timing of a revolution in any country, including the United States." That is what I said.

Q. Now was there any reference to revolutions taking place in times of depressions? A. There was reference to depressions but not as to revolutions taking place in depressions.

(T-9909) The Court: Well, you just said that one of the students there said revolutions would come when things got tough.

The Witness: I thought he asked me what I said.

Fanny Hartman—for Defendants—Direct

The Court: I don't think so. The question was whether anything was said.

The Witness: I see.

Q. Was there anything said about revolutions in times of depressions? A. I think so, yes.

Q. Will you tell us when that was said, at which one of these sessions, and who said it? A. I don't remember who said it. I think I made reference to this, one of the answers being "when things get tough." And I answered that person by saying we had a very serious depression in 1929 to 1934, things were tough, there was what you might consider a revolutionary situation. The monopolists didn't know how they could continue to rule there, the people, when you didn't think that they could stand it any more, the objective facts were there, but there was no revolution.

The second thing I said was: in Germany there was a revolutionary situation in the period when Hitler was going to come to power. The people were facing some tough situations there, the capitalists and their (T-9909-A) representatives were in a crisis as to how they could continue to rule, and there was no revolution there; there was a counter-revolution there. And that therefore not all depressions lead to revolutions.

(T-9910) Q. Now, are you familiar with the slogan "converting the imperialist war into a civil war"? A. I am.

Q. Was there any discussion of that slogan at any time during this course? A. There was.

Q. Will you tell us at what session that slogan was considered? A. As I recall, it was considered under the topic "Socialism." This has reference to session 4.

Q. That is the fourth session, according to Government's Exhibit No. 39? A. That is right.

Q. Will you tell us what the discussion was? A. Yes, as I recall, it was a recital of the Russian revolution, and the slogan used during the Russian revolution of turning the war into a civil war. That was the specific reference. I meant, turning imperialist war into a civil war.

The Court: What was the occasion to bring up that subject for discussion?

Fanny Hartman—for Defendants—Direct

The Witness: The occasion, I think I said, was the history of the building of Socialism in the Soviet Union and how it came about, and they discussed the revolutionary days.

The Court: I don't quite get the point of telling those students about this slogan of changing an imperialist war into a civil war. I don't quite get that yet.

(T-9911) The Witness: They didn't—

The Court: What was the point of doing it?

The Witness: They didn't tell the students about changing the imperialist war into the civil war. They were talking about the war and the slogans that they used, and the main slogan was "Land, peace and bread."

Q. Was that slogan discussed? A. Of course. The slogan of turning the imperialist war into the civil war was one of the many slogans.

Q. Tell me, was there any discussion concerning any application of that slogan, turning the imperialist war into a civil war, to the United States? A. There was not.

Q. Was it discussed in its historical setting? A. That is right.

Q. The conditions that gave rise to the slogan?

Mr. McGahey: I object to the question.

The Court: Sustained.

Q. Are you familiar with the book "Towards a Soviet America," by William Z. Foster? A. I never read it.

The Court: He didn't ask you that. Are you familiar with it?

The Witness: I am not.

Q. Can you state of your own knowledge whether or not that book was ever circulated or recommended for reading, (T-9912) or any of the contents of the book were taught or advocated by you or any other spokesman for the Communist Party in the New England area during the time that you have been in the New England area?

Fanny Hartman—for Defendants—Direct

Mr. McGohey: I don't think I will—

A. Not that I am aware of. I certainly did not, and I don't know anybody else who did.

Q. Did you—

The Court: Did you ever hear of the book? Just a second. Did you ever hear of the book?

The Witness: Yes, I have heard of the book.

Q. Did your duties as City secretary for the Greater Boston area entail supervision of the literature of the Communist Party in that area? A. It did.

Q. Will you tell us generally of what does the literature of the Communist Party in the Greater Boston area consist?

Mr. McGohey: Objection.

The Court: Read me that question, please.

(Question read.)

The Court: I will allow it. Just describe in a very general way what the literature is. I take it that it is the Daily Worker and pamphlets and leaflets and things of that kind that are distributed. Am I right about that?

(T-9913) The Witness: It includes the classics that are sold in public shops as well as the material, pamphlets, "Political Affairs," current pamphlets.

The Court: All right, I will allow it.

Q. I call your attention to pages 3097 and 3098 of the transcript, being the testimony on cross-examination of the witness Philbrick.

* * *

Q. (Continuing):

"Q. The program of the Communist Party in Massachusetts included opposition to war, did it not? A. No, sir."

And I ask you if that is a correct answer to that question?

* * *

Fanny Hartman—for Defendants—Direct

The Witness: May I have that question read?

Q. The question put to the witness Philbrick was:

"Q. The program of the Communist Party in Massachusetts included opposition to war, did it not?"

And the answer was, "No, sir."

Then there was another question:

(T-9914) "Q. During the period of your membership?"

And the answer, "No, sir."

And the question:

"Q. It did not. The program of the Communist Party in Massachusetts since the conclusion of the Second World War down to the time of the indictment was one of opposition to war, was it not?"

And the answer, "No, sir."

And I ask you now if the program of the Communist Party in Massachusetts since the conclusion of the Second World War down to the time of the indictment has not been one of opposition to war? A. Opposition to what kind of war? I don't get what he said.

Q. What has been the program of the Communist Party in Massachusetts, or what was it during the period that you were secretary of the Greater Boston area for the Party, with reference to the whole question of peace and war? A. Our position during the period that I was secretary was complete and full support to the war to destroy fascism and Hitlerism in the world. We gave everything we could to it. Our position is, as I see it—

The Court: No, not what it is now. What was it at the time Mr. Crockett is talking about?

(T-9915) The Witness: Was full and complete support of the defeat of Hitler, Mussolini and Hirohito.

Q. That was in accordance with the National resolution of the Communist Party, was it not? A. That is correct.

Q. Now, on page 3098, immediately following the passage I just read, I asked the question:

Fanny Hartman—for Defendants—Direct

“The Party”—
to the witness Philbrook—
“The Party put out quite a bit of literature in favor of
peace, did it not?”

And his answer was:

“This is public literature, yes, sir.”

Is there any distinction made in the Massachusetts district, in the literature put out by the Party, between public literature and literature that is not public? A. We have no such thing as no public—not public literature. All our literature is public. We are glad to sell it. We are glad to distribute it.

Q. Now, on yesterday, I believe, you said something about a policy of concentration. Do you recall your testimony in that regard? A. I do.

Q. Now I ask you what is meant by “concentration” in the Communist Party? A. “Concentration” in the Communist Party means the paying of particular attention (T-9916) to educating and recruiting members into the Communist Party from basic sections of the working people. Concentration, if I may give a concrete example from my own district, would be picking up that industry, generally the trustified mass production industries, that has the greatest congregation of workers in one spot, one area, one shop, who generally are the most exploited because these industries are trustified, whose problems are acute and who, in the course of organizing for higher wages and better living conditions, will be most likely to be attracted to the Communist Party and its program. Concentration of policy.

The Court: Just read the definition of “concentration” to us, will you, Mr. Reporter?

(Answer read.)

The Witness: May I add that that industry is textile.

The Court: Yes. I think the difficulty is that you don't often pay attention to the question and you have this disposition to wander and confuse the thing by bringing in a lot of argumentative material,

Fanny Hartman—for Defendants—Direct

but I gather that your definition was given in the first few words of the answer and all the rest was matter or argument and description.

Now, let us have the reporter read the first (T-9917) sentence of it and I think you will agree with me.

(Record read as follows:)

“ ‘Concentration’ in the Communist Party means the paying of particular attention to educating and recruiting members into the Communist Party from basic sections of the working people.”

The Court: Period. Now, isn’t that right, Miss Hartman?

The Witness: I would like to enlarge on that, if—

The Court: Yes, you wouldn’t like to take that as a definition without all your illustrative material, would you?

The Witness: I think my illustrative material gives it more meaning.

The Court: Well, perhaps so.

Q. I show you, Miss Hartman, Defendants’ Exhibit II, which was identified in this case by the witness Philbrick as the agenda for the Party builders conference held in Boston on Sunday, February 2, 1947, and I notice on this exhibit that on the agenda it says, “Reports by Fanny Hartman,” and ask you first, if you were present at this conference? A. May I see that, Mr. Crockett?

(Mr. Crockett hands paper to witness.)

(T-9918) A. I was.

Q. And did you make a report at that conference? A. I did not make the report. I participated in the discussion.

Q. Who made the report? A. The report was made by Emanuel Blum.

Q. Will you tell us what he said in that report on the subject of concentration? A. As I recall, he said that—substantially what I gave generally, “What is concentration?” And went on to describe the concrete industries of New England, the major one, textile, and why textile was

Fanny Hartman—for Defendants—Direct

the major industry and what the conditions were, and he pointed out that a process of speed-up and work load, the intensification of that process had reached a point where workers just couldn't take it, and that all kinds of actions were developing in shops as a result of this speed-up, people getting sick, people having to slow down because they just couldn't take it.

Q. I think you mentioned that the textile industry was one of the industries in which a policy of concentration was followed in the Greater Boston area; is that right? A. That is right.

Q. In the selection of industries for concentration, in connection with the Party building program, was the (T-9919) selection based on what product was being produced by the industry? A. It was not. It was based—I am sorry, if it is that relevant business.

The Court: You are showing considerable progress.

Q. I call your attention, Miss Hartman, to 2804 of the record, the following testimony of the witness Philbrick. The question was put as follows—

The Court: Page?

Mr. Crockett: 2804.

The Court: 2804? If you will just pause for a moment until I get it before me.

Yes, I have it.

Q. (Continuing) Where, in answer to a question by the prosecution, which question was:

“Was there any reason”—referring to—

Mr. Crockett: Well, I withdraw that.

Q. The following statement is made on that page by the witness Philbrick,

“Well, the professional group, although today large sections of the Party are underground, the professional group has always been an underground group.”

And I ask you if during the period that you have been associated with the Party in the Greater Boston (T-9920)

Fanny Hartman—for Defendants—Direct

area there has ever been a time when there were any so-called underground groups or sections of the Communist Party? A. There is no such thing as an underground group or section. We are a legal political party in the United States and we have a Constitution in the United States. There is no underground political party.

Q. Now, Miss Hartman—

The Court: With that additional material, I am not clear as to the testimony. I would like to have the question repeated to the witness, and let us have a clear and unequivocal answer, Miss Hartman.

(Question read.)

The Witness: There has not.

Q. Miss Hartman, have you always been known as Fanny Hartman? A. I haven't, no.

Q. By what other name have you been known? A. I was born under the name of Fanny Goldberg, G-o-l-d-b-e-r-g.

Q. Now, when and under what circumstances did you commence using the name Fanny Hartman? A. When I joined the Communist Party.

Q. And that, I think you said, was about 1930? A. That is right.

Q. Was there any reason why you selected the name (T-9921) Fanny Hartman?

Mr. McGohey: Objection.

The Court: Sustained.

Q. In what city were you living at that time? I think you said you were living here in New York, is that right? A. That's right.

Q. Have you used—

Mr. McGohey: Has the witness answered that question?

The Court: What is that?

Mr. McGohey: About where the witness was living? I did not know that she answered.

The Court: I thought she said yes. She nodded her head.

Fanny Hartman—for Defendants—Cross

You said that you were living in New York then?
 The Witness: I was living in New York.

Q. Have you used the name Fanny Hartman more or less consistently since the time you joined the Communist Party?

Mr. McGohey: Objection, form.

The Court: What does "more or less consistently" mean, Mr. Crockett? It means nothing to me. I will sustain the objection.

Q. Have you used your name Goldberg at any time since you joined the Communist Party? A. Yes.

(T-9922) Q. On what occasions have you used that name? A. On my job as a social worker I was known as that, not as Fanny Hartman.

Q. That is, when you were employed here in New York? A. That is right.

Q. Where you were in social work? A. I was afraid of losing my job.

The Court: Did you think somebody asked you about that?

The Witness: I don't know whether somebody asked me.

The Court: You just wanted to put it in the way you put in so many other things. Please don't do it.

Strike it out.

Q. Have you ever been married, Miss Hartman? A. I have.

Q. What was your married name? A. My married name was Frankfeld.

* * *

(T-9923) *Cross examination by Mr. Gordon:*

Q. Aside from the name Goldberg or Hartman or Frankfeld, have you ever used any other names? A. Not that I recall.

Q. How about the name of Field? A. Not that I recall.

* * *

Fanny Hartman—for Defendants—Cross

Q. Perhaps I can help your recollection, Miss Hartman. In 1938 were you a patient at the Peter Bent Brigham Hospital in Boston, Massachusetts? A. 1938? 1938, you say?

Q. Yes. A. I remember I had appendicitis and I was at Peter Bent Brigham. Whether it was 1938 or not, I don't know.

Q. Well, when you had your operation, your appendectomy, at the Peter Bent Brigham Hospital in Boston, didn't you register in the hospital as Fanny Field, husband Philip, 37 Falmouth Street, Boston, Mass.? A. I thought I had registered as Fanny Frankfeld, 37 Falmouth Street, Boston, Mass., as I recall. My name was on the doorbell there.

The Court: The question is not about your name on the doorbell. Did you register at that hospital with the name and as of the address that Mr. Gordon read (T-9924) to you?

The Witness: To the best of my recollection, I don't know what year it was, I had appendicitis and I went to the Peter Bent Brigham Hospital and I was operated on.

Q. And you used the name Field? A. I don't remember. I had acute appendicitis, sir. It was at two o'clock in the morning.

Q. I take it that you are a member of the Communist Party at the present time? A. I am.

Q. And you have been a member of the Communist Party since 1930 or 1931? A. That is right.

Q. And there must have been a period in Nineteen—in the middle 1930s when your occupation as a full-time employee of the Communist Party became your only employment? A. There were periods, yes.

Q. Well, at the present time you have no other occupation? A. At the present time I am on sick leave, sir. I was in a hospital for four months, in the Massachusetts General Hospital, where I was operated on, and I am sickly.

Q. Yes. Well, you are on sick leave from the Communist Party? A. From active duty in the Communist Party.

Fanny Hartman—for Defendants—Cross

Q. Yes, and that is active duty as a full-time (T-9925) functionary in the Communist Party? A. That is correct.

Q. And how long is it that you have been a full-time functionary in the Communist Party? A. I have been periodically full-time functionary—a full-time functionary in the Communist Party since 1937.

Q. 1937? A. Yes, as I recall. That is a long time. Whether it was 1937 in the middle, or 1937 at the end, I don't know.

Q. Approximately 1937? A. That is right.

Q. So that for approximately twelve years the Communist Party has been your only employer? A. Except where I have gone for private jobs in periods when I haven't been on the payroll of the Communist Party. There were some times when we didn't have enough money to meet the expenses of all the people who were employed by the Communist Party and some of us would go out and get jobs for a few months. I tried to indicate here that I had taken temporary jobs on a number of occasions. That wasn't allowed.

Q. Miss Hartman, you and I will get on much better if you will just answer my questions. A. I am sorry.

(T-9925-A) Mr. Sacher: I object to any lectures by Mr. Gordon.

The Court: Well, it is a positive fact, Mr. Sacher, she wanders on this way. I have told her two or three times not to do it. You deny it, of course, but it is true nevertheless, and I wish she would stop it. It would be much easier if she would simply answer questions. (T-9926) But each time there is a question she goes on and on, and I frankly am baffled as to how to stop that. I do not want to use any stern measures, so I decide to leave her alone.

Q. Miss Hartman, let me ask you this: these 11 gentlemen sitting here in a row (indicating), the defendants in this case, they are your leaders, aren't they? A. They are my friends, leaders, and I hope I have the honor to share in some responsibility of leadership on a local level.

The Court: Now you go right at it again.

The Witness: I am sorry, sir.

Fanny Hartman—for Defendants—Cross

The Court: What can a person do? You know, it is just—

The Witness: Well, some—

The Court: The best thing to do is just relax, which I am going to do, and you can go right along and probably we will save time doing it that way, but don't get the impression that I don't notice it.

Q. And you're interested in having these 11 defendants acquitted, aren't you? A. I certainly am.

Q. Vitally interested in it? A. The American people are interested and it is to their interest.

Q. And you as a witness, sitting in that chair there, are personally, vitally interested in having these 11 men (T-9927) acquitted? A. Of course.

Q. Now when you joined the Communist Party in 1930 or 1931 did you have a membership book? A. I imagine—yes, I had a membership book.

Q. And when was it that you joined? A. Either the end of 1930 or the beginning of 1931, I can't remember. It was in that period.

Q. What was the membership book like? A. I don't recall. It was a little thing, sometimes with a green and sometimes gray.

Q. Did it have a black cover on it? A. I don't recall what color it was that year.

Q. Did it include the statutes of the Communist Party at that time? A. I don't recall the book. It was 1931 you say?

Q. Yes. A. I don't think so.

Q. You say. A. No, the book that you are talking about—

Q. 1930. A. 1930?

Q. Yes. A. As I said, I don't recall whether I joined and was received—received my book at the end of 1930 or the beginning of 1931.

Q. Well, let me show you Exhibit 188 for identification. Does that look like the membership book that you had when you joined the Communist Party (handing)? A. I would not (T-9928-29) recall it, sir.

Q. Well, look at it and see if it refreshes your recollection. A. (Examining.)

Fanny Hartman—for Defendants—Cross

Q. You have no recollection whatsoever? A. No, I haven't. I have had a lot of membership books in my life.

Q. Do you recall— A. 19 years.

Q. Do you recall whether the membership book that you had when you joined the Communist Party had the statutes of the Communist Party printed in it? A. I don't recall. I would assume that they did.

Q. Well, does that book mean anything to you? A. This particular book? No.

Q. As a sample. A. No, it does not.

Q. You have never seen one like it before? A. Not that I remember.

Q. Now you say you have had a lot of membership books and cards. Do you have one for 1949? A. Do I have one? No.

Q. Do you have a membership card for 1949? A. No. I was in the hospital when the membership of the Party was having its annual registration. I couldn't very well; as a matter of fact I was under ether.

Q. Well, after you came out of the ether were you informed that no membership cards were issued for 1949? A. I had no discussion about it, sir.

(T-9930) Q. You have no knowledge about that fact at all?

The Court: Didn't you say that they issued them but that you did not get yours because you were under ether at the time?

The Witness: I said they were going through registration. Whether they did issue them or they do not—they didn't issue them I really don't know.

The Court: Don't you know whether the Communist Party issued in 1949 membership cards to anybody?

The Witness: Frankly I don't.

The Court: All right.

Q. In any event you never got one?

Mr. Sacher: I object to any interrogation on 1949. It is improper cross-examination.

The Court: Overruled.

A. I didn't get one.

Fanny Hartman—for Defendants—Cross

Q. Did you have a 1948 card? A. I did.
Q. Have you got that with you? A. No, I haven't.
Q. Where is it? A. Where is it?
Q. Uh huh. A. As a matter of fact, I think it is in Indiana. I went to Indiana for a few months and I got sick there and came back to Boston.

The Court: You left the card out there.

The Witness: Yes. If it is still there, I don't know.

(T-9931) Q. Well, did you just leave it lying around somewhere? A. No, in the office probably. I didn't leave it lying around.

Q. In the office of the Communist Party in Indianapolis?
A. As I recall.

Q. You didn't have the card with you on your person?
A. I don't recall that, no.

Q. Well, what were the circumstances for your leaving it in the office in Indianapolis? A. There were no circumstances for leaving it. I had it in the office. I had left some books. I got sick and left. I had no particular significance to it.

Q. Now do you have any membership card with you?
A. No, I haven't, sir.

Q. What happened to your '47 card? A. I destroyed it when I got my '48 card.

Q. Was that the standard practice? A. I—there was no standard practice on what you did with your cards.

Q. No standard practice to destroy them? A. No. Some people saved them as souvenirs.

Q. Have you saved any? A. No, I haven't.

Q. Now let us talk about this convention for a moment which you described as a democratic convention. That is the Massachusetts State Convention? A. That's right.

Q. That is democratic with a small "d"? A. Yes.

(T-9932) Q. Now how many other people besides you at the convention, do you know of, that were there using false names?

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

The Court: On what ground?

Mr. Crockett: It is assuming a fact not in evidence.

Fanny Hartman—for Defendants—Cross

The Court: Why, she just testified to it.

Mr. Crockett: She did not. He said "false names." She testified as to her names, not false names.

The Court: Miss Hartman, is it your understanding that having, as you say, changed your name from—was it Fanny Goldberg to Fanny Hartman—that you could then use Hartman one day, Goldberg the next day, Hartman the next day and all the time be using your right name?

The Witness: That was not my understanding.

The Court: All right, I will allow the question.

The Witness: I have used Hartman since I quit the social work.

The Court: I will allow the question.

The Witness: I beg your pardon, I didn't get the question.

Mr. Gordon: Would you read the question, Mr. Reporter.

Q. (Read.) A. I did not use false names and (T-9933) I don't know of anybody else who uses false names. It's a common practice among professional women to change names, and especially among Jewish women where the question of being a butt because of a Jewish name like Goldberg—

The Court: Now who is bringing that in?

The Witness: I felt it, sir.

The Court: Just remember nobody asked you about that.

The Witness: I know. No, I did not consider myself—

The Court: You must have reasons for bringing it in.

The Witness: —using any false names or anybody else using false names.

Q. Well, you did bring in before something about being afraid to lose a job. A. At the time I took the name of

Fanny Hartman—for Defendants—Cross

Hartman I used my—the name I was born with on the job—that is the time.

Q. Now the question is, do you know whether anybody else at this democratic convention was there using a false name? A. I don't know of anybody else.

Mr. Crockett: I object. I submit the question has been answered.

The Court: I think it has. I will sustain (T-9933-A) the objection.

* * *

(Recess to 2.30 p. m.)

(T-9934)

AFTERNOON SESSION

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

Very well, Mr. Gordon.

Mr. Gordon: Thank you, your Honor.

FANNY HARTMAN, resumed the stand.

Cross examination continued by Mr. Gordon:

Q. Miss Hartman, I direct your attention to the first session of this democratic convention of the district of New England, at which delegates were selected to attend the National Convention in New York. You were nominated for one of those jobs, weren't you? A. I don't get your question.

Q. Were you not nominated for the position of delegate from the New England district of the Communist Political Association to the convention, the special convention of

Fanny Hartman—for Defendants—Cross

the Communist Political Association in New York? A. I was.

Q. And you declined the nomination? A. I did.

Q. And in whose favor did you decline? A. I don't recall.

(T-9935) Q. Well, didn't you decline in favor of one of the people who actually went as a delegate? A. I don't recall. As I recall, I declined, stating that I thought some of the other people who had been nominated would be in a better position, I felt, to represent the district than I did.

Q. Did you mention who? A. I don't recall.

Q. Does the name Jack Simon mean anything to you?

A. I don't recall it.

Q. S-i-m-o-n? A. I don't recall it.

Q. Didn't Jack Simon get the most votes of the ballots cast for the delegates? A. Not that I recall.

Q. Wasn't he one of the delegates? A. Not that I recall.

Q. Contrary to your statement of who the delegates were, weren't the delegates really Jack Simon, Anne Burlack and Dave Bennett? A. I testified, and to the best of my recollection, Otis Hood, Anne Burlack and Dave Bennett were the delegates to the National Convention.

Q. And weren't Otis Hood and Grace Lorch the two alternates? A. I testified there were—there was one alternate and two delegates and I didn't remember who got the highest vote, making them the delegation and one of the alternates.

Q. Do you know Jack Simon? A. Jack Simon?

(T-9936) Q. Yes. A. The name is not familiar to me.

The Court: How is that?

The Witness: The name means nothing to me.

The Court: He didn't ask you that. Do you know him?

The Witness: I do not.

Q. Do you know anybody by the name of Jack Simond, S-i-m-o-n-d? A. I do not.

Q. Or anything like it, that sounds like it or is spelled something like it?

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

The Court: Overruled.

Fanny Hartman—for Defendants—Cross

A. I do not recall the name Jack Simon nor Simond, nor does it mean anything to me.

Q. You have given us in detail your recollection of these reports and speeches that were made at the convention and the adjourned session? A. As I recalled them.

(T-9937) Q. And is it your testimony that you have no recollection of the name of the person in whose favor you declined the nomination as delegate? A. I have no such recollection.

Q. None at all? A. No.

Q. Does the name Grace Lorch mean anything to you? A. What was the name?

Q. Grace Lorch—L-o-r-c-h? A. It does not.

Q. You don't recall whether she was one of the alternate delegates? A. I do not recall any alternate delegate by the name of Grace Lorch.

Q. Is there a person by the name of Grace Lorch that you know in Boston? A. The name of Grace Lorch in Boston means nothing to me.

The Court: Do you know a person named Grace Lorch?

The Witness: Not that I remember. I have met a lot of people.

Q. Isn't Grace Lorch on the Board of Trustees of the Samuel Adams School in Boston?

Mr. Crockett: I object, your Honor.

The Court: Overruled.

Mr. Crockett: There has been no testimony on direct examination concerning the Board of Trustees of the Samuel Adams School.

(T-9938) The Court: Well, nevertheless I shall allow the question.

Mr. Crockett: I submit further that this line of inquiry is very improper, is immaterial, is irrelevant, and is nothing but a fishing expedition.

The Court: Well, the only theory upon which it can be relevant, it seems to me, is to assume that everything the witness stated on direct examination is so. As I understand the purpose of cross-examination, it is to attack the witness's credibility and what was testified on direct examination.

Fanny Hartman—for Defendants—Cross

You remember her testimony about the three persons who were nominated to go as delegates?

Mr. Crockett: I most certainly do, and if the examination were confined to those three persons I would understand it.

The Court: I suppose if we took that as absolutely final, no cross-examination on the subject should be allowed.

Mr. Crockett: That is not my position, but I think we have what amounts to a fishing expedition to call names—they may be names of almost anybody anywhere, and give the impression that the witness is trying to refrain from identifying someone.

The Court: I will allow it.

(T-9939) Now what is the question, Mr. Reporter?

(Question read as follows:)

"Isn't Grace Lorch on the Board of Trustees of the Samuel Adams School in Boston?"

A. I don't know who the Board of Trustees of the Samuel Adams School of Boston were.

Q. Now a moment ago you said that there were two delegates and one alternate? A. As I recall it, yes.

Q. Weren't there three delegates and two alternates? A. No. I testified that there were two delegates and one alternate.

Q. Fine. Now let me read to you from your testimony given yesterday, page 9817 of the transcript:

"Q. Were there any other national conventions of the Communist Party in 1945? A. There were not.

"Q. These delegates were elected to this convention here in New York. How many delegates were elected from the New England District? A. Three.

"Q. Do you know who those three delegates were? A. As I recall, there were Anne Burlak, Otis Hood and Dave Bennett. I think there were two alternates but I don't remember who the alternates were."

Now I ask you, was your testimony yesterday truthful or is your testimony today truthful?

Fanny Hartman—for Defendants—Cross

(T-9940) Mr. Crockett: I object, your Honor.

The Court: I will sustain the objection as to form.

Mr. Crockett: My objection also goes to the substance of the question.

The Court: The question may be reframed.

Q. Do you wish to change your testimony from yesterday? A. I recall—as I recall the testimony yesterday I stated that there were three delegates—at least that is what I wanted to state because that was the fact, adding that of those three one was an alternate and two were delegates.

The Court: Then you do want to change your testimony?

The Witness: That is certainly what I wanted to say and that is the fact.

The Court: The testimony has just been read to you wherein you testified that there were three delegates whose names you gave, and there were two alternates whose names you could not remember. Do you desire to change that now?

The Witness: Of course, if that is in the record—the fact is, we were entitled to two delegates and one alternate.

The Court: It isn't a question of how many (T-9941) you were entitled to.

Q. I show you page 9817 of the record. It is in the record, isn't it? A. That is right, it is.

Q. And it is very clear that you testified there that there were three delegates and two alternates and you didn't recall the names of the alternates. Now do you wish to change that testimony? A. If that is in the record. I thought I said there were three delegates, two of whom were regular and one alternate. If that is in the record I wish to change it.

Q. Now I think you said that in any event when the delegates came back from the convention in New York they reported to the adjourned session and they brought along the constitution which had been adopted by the National Convention? A. I think that is what I reported, yes.

Fanny Hartman—for Defendants—Cross

Q. Was it printed? A. I don't think so. They took the original copy of the draft constitution and they had made notes on it, as I recall the report, and showed where there were changes made and proposals made for changes.

Q. Aren't you confused between the constitution and the resolution? A. I don't think so. I don't recall.

Q. Well, all you told us about in your testimony was having a draft resolution to which amendments were (T-9942) proposed. Is it your testimony now that you had a draft of the constitution and you proposed amendments to that? A. As I recall, we took the old constitution and the person reported what changes were made in the old constitution at that convention and what additions were made and what subtractions.

The Court: What are you talking about there, Miss Hartman? Are you talking about that first phase of the Convention on July 20th or 21st in Boston?

The Witness: I am answering Mr. Gordon on the constitution.

The Court: Well, I am asking a question now. Will you read her answer?

(Record read as follows):

"As I recall, we took the old constitution"—

The Court: All right. With that in mind are you talking about the convention in Boston on July 20th and 21st?

The Witness: I am talking about the second half of the convention in August.

The Court: After the delegates got back?

The Witness: That is right.

The Court: That is when you took that constitution?

(The witness nodded.)

Q. And they had with them the constitution of the (T-9943) Communist Political Association? A. As I recall it, yes.

Fanny Hartman—for Defendants—Cross

Q. Were there changes that had to be made to make it the new constitution of the Communist Party? A. As I recall it, yes.

Q. And nobody suggested that any portions of it were Aesopian language? A. Oh, no.

Q. What is Aesopian language? A. As I understand "Aesopian language" it is supposed to be language which uses the example of Aesop's fables, of meaning one thing and saying another, or using the kind of language that nobody can understand deliberately, apparently to conceal what you want to say.

Q. Who was it that first defined it for the Communist Party? A. You mean the reference to Lenin where he refers to Aesopian language? I was giving what I thought you meant in terms of a popular representation of Aesopian language.

Q. Well, when you were asked the question yesterday whether anybody at the convention referred to any portions of the constitution as being in Aesopian language and you said no, what did you have in your mind, Lenin or the popular definition? A. As I conceived of the popular definition.

Q. You didn't have Lenin's definition in mind? (A-9944) A. Not directly.

Q. Well, you say that Lenin did define it? A. I don't recall whether he defined it. He referred to it.

Q. Where did he refer to it? A. I think it was in the book on Imperialism.

Q. In the preface? A. That is right.

Q. Now do you agree with this: that in substance and effect Aesopian language is that cursed language to which Czarism compelled all revolutionaries to have recourse whenever they took up their pens to write a legal work?

Mr. Crockett: I object.

The Court: Overruled.

A. You mean that Aesopian language applies only to Russia? No. The term "Aesopian language" is used by other people in addition to Lenin.

Q. In other words, the term would be a term applied to the elusive and roundabout style adopted in legal publi-

Fanny Hartman—for Defendants—Cross

cations by revolutionaries of any country in order to evade censorship? A. No, I did not say that.

Q. Well, is that correct? A. That is not correct.

Q. Well, is this correct: that Aesopian is a term applied to the elusive and roundabout style adopted in legal publications by revolutionaries in order to evade (T-9945) censorship? A. In general I can't say, in general. In a concrete situation I might tell you yes or no, but I can't say in general.

Q. You can't say whether that is a good definition or not? A. I am not a grammarian or whatever you call it.

Q. Well, look at Exhibit 27-A, which is the preface to the Russian edition of Lenin's quotation Imperialism. Isn't that the definition that is given in the footnote, the one that I have just read to you? A. For this specific book.

(T-9946) Q. Well, in the footnote does it say that it is a definition for this specific book or does it say that it is a general definition?

Mr. Sacher: I object to it on the ground that the book is the best evidence.

The Court: Sustained.

Q. Can you show me any place in this book, Exhibit 27 for identification, a statement that this definition of Aesopian applies only to this book?

Mr. Crockett: I object to that your Honor.

The Court: I will allow it.

Mr. Crockett: I don't think the book is in evidence.

Mr. Sacher: It is not.

The Court: Well, I understood that it was. What is the number, Mr. Gordon?

Mr. Gordon: The book as a whole is 27 for identification, the preface is 27-A and another portion of it has been introduced as—

Mr. Sacher: Chapter 7 is the only other portion, your Honor.

Mr. Crockett: I believe Mr. Gordon—

The Court: 27-A is the preface, which is pages 7 and 8. I have some recollection that there was testimony about that footnote. Is that not part of 27-A?

Fanny Hartman—for Defendants—Cross

(T-9947) Mr. Gordon: Yes, your Honor.

Mr. Crockett: Mr. Gordon's question, however, goes right on—

Mr. Gordon: Chapter 7 is Defendants' Exhibit CCC-1.

Mr. Crockett: Mr. Gordon's question asked the witness to point out anywhere in the book. My objection is that the book is not in evidence.

Mr. Gordon: If she can show it to me in the book—

The Court: Maybe, if she finds the place where that appears, that will get in evidence.

The Witness: I would have to re-read the whole book.

Mr. Crockett: I must object to the last remark of the Court.

The Court: What is that?

Mr. Crockett: I say that I register an objection to your Honor's last comment.

Q. Will you show me any place in the book where that statement appears? A. I would have to re-read the whole book and I am sure you would not want to wait and have me do that.

The Court: The point is you don't remember any other place in the book where there is such a (T-9948) statement as Mr. Gordon has made, do you?

The Witness: No, I do not.

Q. But you just told me that that was a fact. A. I don't think I did, Mr. Gordon.

Q. What is the highest form of democracy? A. The highest form of democracy?

Q. Yes. A. I don't know what you mean by the highest form of democracy.

Q. Did you say that the Constitution was taken up section by section? A. As I recall it, yes.

Q. And you read the preamble to the jury yesterday, didn't you? A. I did.

Q. I direct your attention to page 5 of Exhibit 26, which is the Constitution of the Communist Party, which you read just yesterday. A. Yes.

Fanny Hartman—for Defendants—Cross

Q. Does that say what the highest form of democracy is? Take the sentence which begins on the third line. It is part of the preamble that you read. A. The third line on page 5?

Q. Yes. A. "Socialism, the highest form of democracy,"—

Q. Yes. A. —"will guarantee the full realization"—

Q. Yes. Well now, do you still say that you don't know what I mean when I ask you what is the highest form (T-9949) of democracy? A. I don't know what kind of highest form of democracy you refer to.

Q. As a Communist, then, there is more than one type of democracy? A. Yes, degree, that is.

Q. Yes, and Socialism is what, the highest form of Communist democracy? A. The highest form of democracy as a general term.

Q. In the Communist sense? A. Well, what do you mean by "democracy"?

Mr. Gordon: I wonder if Mr. McGohey would object to that question?

(Mr. Crockett rises.)

The Court: I think Mr. Crockett objects to it and I will sustain the objection.

You see, you are the one who is supposed to answer questions.

The Witness: I am sorry. I don't—I am not a lawyer.

The Court: You probably don't know what democracy is.

The Witness: Oh, I do.

The Court: And you know the highest form of democracy?

The Witness: As I see it, yes.

The Court: Why don't you tell Mr. Gordon just (T-9950) what it is.

The Witness: Socialism, as the highest form of democracy, is what democracy to me means, of the people, by the people, for the people, the majority of the people, democracy, and it—

Q. Now, Miss Hartman— A. You asked me a question.

Fanny Hartman—for Defendants—Cross

The Court: Go ahead now.

Mr. Gordon: I thought you had finished. I am sorry.

The Court: No, no, she is just getting started. Now go ahead. Go ahead, Miss Hartman.

The Witness: (Continuing) —and that democracy is a real democracy in the sense that it is a guarantee against want, against war, against fear, a system of complete security and equality of man to man, a system of security because the wealth of the country is produced for the common good, for the democratic peoples, that is, the majority. That is why Socialism is the highest form of democracy.

Q. And in what country in the world is that exemplified at the present time? A. In Soviet—

Mr. Sacher: Just a moment. I object.

The Court: Overruled.

A.—in my opinion in the Soviet Union. There are degrees. There is growing democracy in some of the (T-9951) countries in Eastern Europe.

Q. In any event, it is exemplified in the Soviet Union, in the U.S.S.R.? A. I beg your pardon?

Q. I say, in any event it is exemplified in the Soviet Union, in the U.S.S.R.? A. I think so, yes.

Q. Have you ever been there? A. I have.

Q. When was that? A. In 1934.

Q. How long? A. I think I was there for a month.

Q. What name did you use when you traveled to the Soviet Union? A. I traveled as a social worker to see for myself what was going on, and I used the name of my birth, Fanny Goldberg.

Q. So that was another occasion when you did not consistently use the name of Fanny Hartman after you joined the Communist Party?

Mr. Crockett: I object, your Honor. There has been no testimony that she consistently used any name. I tried to get that testimony, and I think it was either Mr. Gordon or Mr. McGohey objected.

Fanny Hartman—for Defendants—Cross

The Court: I thought I sustained an objection to it.

Mr. Crockett: You did.

The Court: You asked her whether she used it more or less consistently and I could not figure out what that meant, so I sustained the objection.

(T-9952) Mr. Gordon: Well, I will reframe the question.

Q. That was an occasion when as a member of the Communist Party you did not use the name of Fanny Hartman? A. I went to the Soviet Union in a professional capacity as a social worker to see for myself how the Soviet Union was working.

Q. Did you travel with anybody?

Mr. Sacher: I object to that.

The Court: Overruled. She put herself down—Did you put yourself down as a writer or as a social worker?

The Witness: As a social worker.

Mr. Sacher: She said "social worker," your Honor, before you put the question.

The Court: Yes. Now what is the question? Maybe I will change my ruling on that.

Q. (Read.) A. There were a lot of people on that boat—

Mr. Sacher: Just a moment.

(Laughter.)

The Court: There is no use.
I will sustain the objection.

Now what I was thinking about, Mr. Gordon, there are certain things that I don't like at trials, and if it is a question of whether she traveled with a group of (T-9953) Communists or something of that kind I am going to allow it, but if it is anything having to do with her private affairs I will not allow it.

Mr. Sacher: Well, in view of the fact that you have mentioned "private affairs" I would now like

Fanny Hartman—for Defendants—Cross

Miss Hartman to have an opportunity to answer the question. I will withdraw the objection.

The Court: Well, you are not really running this place, Mr. Sacher.

Mr. Sacher: No. I am just telling your Honor I am withdrawing the objection.

The Court: I just happen to feel that matters affecting people's private affairs are not the subject matter of inquiry here. Doubtless, as Mr. Gordon has indicated, he had no such thing in mind, but whether you like it or not it is not going to be brought out, so if there is any story about that we will have to hear it some other day or some other occasion, so that's out.

Q. Now did you stay there for one month or three months? A. I went on a tour for three months, all told. I don't know whether it was three months or two months. I can't remember, and we stayed in the Soviet Union; we spent a week in Paris, I think, and a week in London. It was one of these summer tours.

The Court: It was not a group of members of the (T-9954) Communist Party.

The Witness: It was not.

The Court: By the way, something you said a moment ago suggests a question to me. Do I understand that when you were in your capacity as a Communist you used the name of Fanny Hartman, and when you were in some other capacity you used the name of Fanny Goldberg; am I right about that?

The Witness: I said that I used the name of Fanny Hartman consistently after I gave up the job in social work. I think I testified to that previously.

The Court: Well, without considering what you said before, I ask you now, is it a fact that when you were acting in some capacity as a Communist you used the name Fanny Hartman, and when you were acting in some other capacity, whether as a social worker or a traveler or what not, you used the name Fanny Goldberg, did you?

Fanny Hartman—for Defendants—Cross

The Witness: I was a Communist.

The Court: What is that?

The Witness: I was a Communist. I joined the Communist Party.

The Court: Well, maybe you didn't understand the question. I will ask it over again.

Is it or is it not a fact that when you were acting in your capacity as a Communist you used the name (T-9955) Fanny Hartman, and when you were in some other capacity, whether as a welfare worker, a traveler or what not, you used the name Fanny Goldberg?

The Witness: When I went to the Soviet Union? Yes—or—I'll say yes.

By Mr. Gordon:

Q. Now in connection with your testimony this morning that the Communist Party had actively supported the war, I take it you mean the Communist Party actively supported the war effort after June 22, 1941, after Hitler invaded Russia? A. That's correct.

Q. You have told us about a trip to Russia and about having lived in New York and about having lived in Boston, Springfield; any other places in this country where you have lived? A. Yes.

Q. Where? A. I went from Boston to Philadelphia for a while.

Q. And worked there for the Communist Party? A. Yes.

Q. When was that? A. I left Boston, I think it was January of 1940, and went to Philadelphia.

Q. Wasn't it December? A. I remember I came to Philadelphia on New Year's Day. That's why I remember the date.

Q. You went to Philadelphia, I believe, because your (T-9956) husband had been transferred there as a secretary of the Eastern District of Pennsylvania?

Mr. Crockett: I object, your Honor.

The Court: Overruled.

Mr. Crockett: I would like to state the grounds of my objection.

Fanny Hartman—for Defendants—Cross

The Court: I don't want to hear any argument about a matter like this.

Q. Is that right? A. I joined my husband in Philadelphia.

Q. Yes. And what was the function that you performed for the Communist Party there? Did you assist him? A. As I recall, yes, and also I was elected there, I think, a section organizer.

The Court: As what?

The Witness: As a section organizer.

Q. How long were you there before you were elected? A. I don't remember; three, four, five months.

Q. You were also active in the Young Communist League? A. Oh, yes.

Q. All the time that you were in the Communist Party? A. No; I got too old.

Q. While you were in Philadelphia? A. No.

Q. Weren't you a regional organizer for the Young Communist League in Philadelphia? A. Oh, no.

(T-9957) Q. Did you live at 526 Delancey Street in Philadelphia? A. I don't remember what street I lived there. I was there only a year or so.

Q. Now we have Pennsylvania. Were you ever active in Seattle, Washington, for the Communist Party? A. I was not.

Q. You didn't go out there. A. I did not.

Q. But you went to Indianapolis. A. I went to Indianapolis in '47—the end of 1947 or the beginning of 1948.

The Court: Will you try to speak just a little bit louder? It is very hard for me to hear you.

The Witness: I went to Indianapolis in the beginning of 1948.

Q. And you became state secretary or district secretary of District No. 10? A. I was the district organizational secretary.

Q. District organizational secretary. Now between April 1, 1945 and July 20, 1948, while you were organiza-

Fanny Hartman—for Defendants—Cross

tional secretary in Indianapolis or while you were performing your functions in Boston, did you ever attend any Communist Party schools?

Mr. Crockett: I object, your Honor.
The Court: I will allow it.

A. I did.

(T-9958) Q. By the way, you became organizational secretary out there as soon as you got there, didn't you, in Indianapolis? A. As I recall, the Indianapolis organization had asked the National office that they get some assistance in a person specifically for that job and it was on that basis that I went.

Q. Did Henry Winston send you out there? A. I met with Henry Winston. He said that there was such a post available, whether I was interested. I said I would go out and if they liked me, OK.

The Court: That's all Henry Winston had to do with it, isn't it?

The Witness: Yes.

Q. He was the national organizational secretary at the time? A. Yes.

Q. Did he give you the money for the carfare for the trip? A. Yes.

Q. And you went out there and became the district organizational secretary.

Now you say you did attend a Communist Party school during that '45-'48 period? A. Yes.

Q. Where? A. In New York City.

Q. When? A. For a couple of months in 1947, the end of '47, before I went out to Indiana.

Q. Do you remember when? A. I think it was—

(T-9959) Mr. McGohey: I did not get the answer.

A. (Continuing) I think it was October and November, 1947.

The Court: 1947.
The Witness: That's right.

Fanny Hartman—for Defendants—Cross

The Court: You are speaking so—so low that I hardly hear you.

The Witness: I am a little tired.

The Court: I know. Well then, you just do the best you can.

Q. What was the school that you attended? A. A National Training School.

Q. At headquarters? A. No; at the national office. I was told that they had rented the Jefferson School, or rooms at the Jefferson School for the sessions in the National Training School.

Q. Who told you that—Mr. Stachel? A. No, not Mr. Stachel.

Q. Who was it? A. It was Mr. Siskind.

Q. George Siskind? He is active in educational work? A. That's correct.

* * *

Q. Did you have any conversation with Mr. Stachel about (T-9960) this educational work? A. This particular school you mean?

Q. Yes. A. No, I didn't.

Q. Did you have any conversation with Mr. Stachel at any time about any other Communist Party educational work? A. Yes.

Q. When was that? A. When I was functioning as district organizational secretary and I came in for consultation.

Q. In Indianapolis? A. No.

Q. In Boston? A. In Boston.

Q. And you came to New York for consultation? A. On a number of problems.

Q. And you spoke with Mr. Stachel about educational work? A. In general.

Q. Any of the other defendants? A. Yes.

Q. And you spoke with them about other problems? A. Both education and problems of organization. I spoke to Mr. Winston.

Q. Yes. Anybody besides Mr. Winston and Mr. Stachel? A. I don't recall any others.

Fanny Hartman—for Defendants—Cross

Q. Did you ever attend any meetings of the National Board? A. Not of the National Board.

Q. Of the National Committee? A. I attended a meeting of the National Committee when they were (T-9961) enlarged meetings. I attended one, I recall.

Q. Which one was that? A. That was the one, I think, in 1946. I don't remember the date,—I remember it, I think it was in the summer and the session of it I attended was a discussion on the Negro question.

Q. Was it the late summer or the early summer? A. I really don't recall.

The Court: 1947?

The Witness: 1946.

Mr. Gordon: '46, your Honor.

Q. You don't recall whether it was late or early summer? A. I really don't.

Q. Do you recall having conversations with the other defendants—I take it you know them all? A. To one degree or more.

Q. Now in connection with the school work, have you had any conversations with Jacob Mindel? A. No, I haven't, as I recall.

Q. Do you know who Jacob Mindel is? A. Yes, I do know him.

Q. What is he commonly or popularly known as in the Communist Party?

Mr. Sacher: I object to that.

The Court: I will sustain the objection to the question in that form.

(T-9962) Q. Is Jacob Mindel known to Communists as Pop Mindel?

Mr. Sacher: I object to that.

The Court: Overruled.

A. I have heard him called Pop Mindel.

Q. Has he ever come up to Boston to supervise your schools up there? A. I don't recall, frankly.

Fanny Hartman—for Defendants—Cross

Q. Now what schools between 1945 and 1948 have you taught at? A. I taught that class on principles at—that is, I organized and directed the organization of that class and taught that first session.

Q. The one you told us about this morning? A. That is right.

Q. That you wrote the outline for? A. Yes.

Q. Any others? A. What period did you say?

Q. From April 1st, 1945 to July 20, 1948. A. Yes, I think I must have taught lots of classes.

Q. And did you use in those classes any material that you learned at this National Training School? A. I went to the National Training School in 1947, I said.

Q. Yes. Well, I didn't understand that the only classes you had taught were in 1945. A. No, but you asked me whether I used material at the Training School I attended —was that the question?

Q. Well, you see, I asked you if you taught at any (T-9962-A) schools between 1945 and 1948 and you said yes, you had taught at a lot of classes, and then the question was in any of the classes, obviously after the end of 1947, that is, November or December 1947 or the first six months of 1948, did you use any of the material that you had had presented to you at the National Training School? A. That means in 1948.

(T-9963) Q. Yes. A. No, I didn't. I think I stated I got quite sick a few months after I went out to Indiana.

Q. Before you got sick you didn't use any of that material? A. No.

Q. Who were the instructors at the National Training School?

Mr. Sacher: I object to that.

The Court: Overruled.

A. Mr. Siskind—I am trying to—we had three courses—political economy—

Q. Marxism-Leninism? A. No, we had philosophy, dialectical materialism. Those were the two main courses that the school was organized about. George Siskind taught the course on political economy and Harry Martel taught the classes on dialectic materialism.

Q. Did John Lautner teach any classes? A. Who?

Fanny Hartman—for Defendants—Cross

Q. L-a-u-t-n-e-r?? A. No.

Q. Jack Perilla? A. No.

Q. You don't remember anybody except the two that you mentioned? A. As I said, we had two main fields of study.

Q. And they were the instructors? A. That is right.

By the Court:

Q. You don't remember any others? A. Those were the two instructors.

(T-9964) Q. You say definitely there were no others? A. I think there were guest lecturers.

Q. Then there were others? A. Yes, there were guest lecturers.

Q. Do you remember the names of the others? A. I remember some guest lecturers coming.

By Mr. Gordon:

Q. Do you remember who they were? A. Yes.

Q. Who were they? A. John Williamson gave a guest talk, and Jack Stachel did.

Q. Anybody else? Any of the other defendants? A. I am trying to remember.

Q. Does looking at them refresh your recollection? A. I am trying to remember. No, those were the only two.

Q. Mr. Williamson and Mr. Stachel? A. Yes.

Q. How many hours a day was the school? A. We began at nine o'clock and ended at six.

Q. And how many days a week? A. Every day but Saturday and Sunday. Then maybe we had some guest lecturer in the evening.

Q. Did you have an outline for the course? A. We did not.

Q. Got your assignments right in the classroom? A. Yes.

(T-9965) Mr. Gordon: The witness nodded her head.

Q. Yes? A. Yes.

Q. Did you spend a portion of the day reading the Daily Worker? A. Yes.

Q. Then a portion of the day reading the assignment? A. Yes.

Fanny Hartman—for Defendants—Cross

Q. And then a portion of the day listening to a lecture? A. Sometimes.

Q. And a portion of the day discussing the assignment which had been read? A. We didn't follow a regular procedure that day. Sometimes yes, sometimes no.

Q. Now this Helda—is it Helda McGarvey? How do you spell her first name? A. As I recall it, H-u-l-d-a.

Q. H-u-l-d-a? A. Yes.

Q. You said you didn't recall that she had been present at or had taught in this school up in Boston, is that right?

A. That is right.

Q. Do you remember whether she taught at any school in Boston?

Mr. Sacher: I object to that.

The Court: Overruled.

A. I remember she was a director of the Samuel Adams School of Boston and taught there.

(T-9966) Q. Any other Communist Party school in Boston? A. That was not a Communist Party school.

Q. Does the Communist Party have any connection with it at all?

Mr. Sacher: I object to that, your Honor. There has been no testimony in the case concerning that school at all so far as I recall.

Mr. Gordon: Mr. Philbrick said that Miss—I am sorry, your Honor. May I answer that?

The Court: Yes, you may. If you have some reference to the record there let me have it.

Mr. Sacher: What page?

Mr. Gordon: I don't have it in my mind but I think we will all recall that Mr. Crockett read the very page this morning in which he read the place where Mr. Philbrick said that one of the teachers at this five-session class was McGarvey and that if there was any question about the spelling of the name it could be found in the Samuel Adams catalogue.

The Court: Yes, I recall that.

Mr. Crockett: That is a very unusual come-off. I am reading from the direct examination of the

Colloquy of Court and Counsel

prosecution's witness for the purpose of getting it refuted by this witness, and just because some institution was mentioned the Government assumes that that lays the basis for asking (T-9967) this witness—

The Court: This started when Mr. Sacher said there was no reference whatever to that school. Mr. Gordon said yes, there was, and he mentioned the part of the record that Mr. Crockett read, and then you, Mr. Crockett, go off on a tangent on something altogether different.

Mr. Crockett: I am not going off on any tangent. I thought Mr. Sacher was talking about the direct testimony of this witness, and whether or not this witness had testified to any school by the name of the Samuel Adams School.

The Court: Now what is the question, Mr. Reporter?

(T-9968) Mr. Gordon: I am perfectly agreeable to go to something else, your Honor, to save the trouble.

The Court: Very well.

Mr. Gordon: I thought that she had answered it, as a matter of fact.

Q. Now, when you were teaching this class and defining "revolution," did you say to the students—now, you know the class that I am talking about, in the fall of 1945, in October, at the club headquarters? A. Yes.

Mr. Crockett: Now, if the Court please, if Mr. Gordon is going to read from a card, and since I have seen the card, I assume he is going to read from it, I would like to have the card identified.

The Court: Well, you know, when you had your list of questions which you read, I thought it was perfectly proper for counsel to prepare memoranda which contained the questions he was going to put to the witness. Is it improper for a lawyer to do that?

Mr. Crockett: Not—I don't know what is on the card.

Mr. Gordon: I am perfectly willing to have the card marked.

Colloquy of Court and Counsel

Mr. Crockett: Mine was an outline of my direct examination, the same as I have observed the (T-9969) Government had when it was questioning witnesses.

The Court: I think it is entirely proper for counsel to formulate in writing questions he wants to put to witnesses, particularly when there may be technical questions involved, and I thought I have seen everybody doing that, but apparently Mr. Gordon is willing to have the card marked for identification, and it may turn out to be something different from what I thought.

(Marked Government's Exhibit 191 for identification.)

The Court: You know also, Mr. Crockett, as it turned up this morning in the discussion, there is only one way to lay a foundation for calling other witnesses when matters are to be brought out, and that is to ask on cross-examination, which you gentlemen did not do with Mr. Philbrick, the question of whether or not at a certain time and place the witness said thus and so. Then, if the witness denies it, another witness may be called to show that they did say that.

Mr. Crockett: I think your Honor will recall that not only with respect to the witness Philbrick but with respect to all the other witnesses that came from outside the Southern District of New York, we entered a plea of unfair surprise. We had no opportunity to prepare for such type of examination.

(T-9970) The Court: You have a great way of changing the subject. It is perfectly marvelous. What I was talking about was laying a foundation for contradicting proof.

What is the question?

Mr. Gordon: Your Honor, may I interrupt for a moment?

The Court: Yes.

Mr. Gordon: It appears that the witness seems rather tired. I wonder if she would like to have a recess now?

Fanny Hartman—for Defendants—Cross

Mr. Crockett: I wonder if that is because it is just about 3.30, now, our usual time for recess? If so, I am perfectly agreeable.

The Court: Well, let's see what Mr. Dennis says. What do you say, Mr. Dennis?

Mr. Crockett: You mean, maybe we can get unanimous consent to a recess?

The Court: Yes, maybe we can all have it made unanimous; perfectly all right.

Mr. Crockett: I don't think there will be any objection.

The Court: Would you like to have a little more than ten minutes' recess?

The Witness: I want to—I think ten minutes (T-9971) will be all right.

Mr. McGohey: All right.

The Court: Would you like to have me adjourn the case until tomorrow?

The Witness: No, no, I would just as—

The Court: You feel you are going to be strong enough to go on?

The Witness: Yes.

The Court: I will take a 15-minute recess.

(Short recess.)

The Court: Now, Miss Hartman, do you think we had better put this off for tomorrow?

The Witness: I would rather finish today, if I can.

The Court: Well, it is just a question of whether you feel all right.

The Witness: I think I am.

By Mr. Gordon:

Q. Miss Hartman, when you were discussing revolution with the students at the class which we have identified, did you say to the students: In other words, the law of violent proletarian revolution, the law of the smashing of the bourgeois state machine as a preliminary condition for such a revolution, is an inevitable law of the revolutionary movement in the imperialist countries of (T-9972) the world? A. Are you quoting, Mr. Gordon? I didn't say that.

Fanny Hartman—for Defendants—Cross

Q. I am asking you a question. A. No, I didn't say that.

Q. You didn't say that? Did you ever tell the students in any way, shape or manner that that was a correct statement? A. I never used that statement.

Q. Did you ever refer to it? A. I don't know what that statement is.

Q. Would you like me to read it to you again? A. I would like to know what it is from. I cannot identify it.

Q. It means nothing to you? A. I cannot identify it as a specific statement.

Q. Is the language at all familiar? A. The language familiar?

Q. Yes. A. You will have to read it again because I cannot recall. I don't know what that statement is.

Q. All right, listen carefully: In other words, the law of violent proletarian revolution, the law of the smashing of the bourgeois state machine as a preliminary condition for such revolution is an inevitable law of the revolutionary movement in the imperialist countries of the world. (T-9973) A. I would like to know where that statement—I don't identify the statement. I would like to know what it is from.

Q. I see. It strikes no chord in your memory at all? A. Right at this moment, no.

Q. Here is Exhibit 39, the five-session introductory course in principles of Communism draft outline which you said you prepared. A. That is right.

Q. Under session 4, Socialism, what are the references? A. Constitution of the U.S.S.R., Stalin's Foundations of Leninism, Chapter IV, Fisher Ernst's What is Socialism? and the Dean of Canterbury's Soviet Power.

Q. Now I hand you Exhibit 33, which is Foundations of Leninism, by Joseph Stalin. Where does Chapter IV begin? A. "The Dictatorship of the Proletariat"?

Q. Yes.

The Court: What is that? The Dictatorship of the Proletariat?

The Witness: That is right.

Q. That is Chapter IV on page 47? A. That is right.

Q. And turn to page 56. Is that included in Chapter IV? A. Yes.

Fanny Hartman—for Defendants—Redirect

Q. And do you find a quotation at the top of the page?
 A. “‘Today’ in ‘17”—

Q. Well, do you find a quotation? A. Yes.

(T-9974) Q. Will you read for the jury the first full paragraph which appears under the quotation, in the middle of the page? A. “Today is Lenin’s”—

The Court: Underneath that. That quotation underneath. The first full paragraph immediately following that, Mr. Gordon says.

A. “In other words, the law of violent proletarian revolution, the law of the smashing of the bourgeois state machine as a preliminary condition for such a revolution, is an inevitable law of the revolutionary movement in the imperialist countries of the world.”

Q. And the United States of America is an imperialist country, isn’t it? A. Yes, it is.

Q. Now, Miss Hartman, in addition to the hospitals and the illnesses you have told us about, you have also been a patient for a mental illness in two hospitals, haven’t you? A. I had a nervous breakdown for two months.

* * *

(T-9975) *Redirect examination by Mr. Crockett:*

Q. Miss Hartman, I show you Government’s Exhibit 33, page 56, and I call your attention to the portion that was just read to you by Mr. Gordon, and I ask you if, in connection with that paragraph which Mr. Gordon has read you or any other member of the Party in your presence has ever advocated the overthrow of the Government of the United States by force and violence? A. I have never heard anybody in the Communist Party advocate the overthrow of the Government by force and violence.

Q. Will you read the paragraph that immediately follows that paragraph? A. On page fifty—

Q. On page 56. A. “Of course, in the remote future, if the proletariat is victorious in the most important capitalist countries, and if the present capitalist encirclement is replaced by a socialist encirclement, a ‘peaceful’ path of development is quite possible for certain capitalist countries, whose capitalists, in view of the ‘unfavorable’ inter-

Fanny Hartman—for Defendants—Redirect

national situation, will consider it expedient ‘voluntarily’ to make substantial concessions to the proletariat. But this supposition applies only to a remote and possible future. With (T-9976) regard to the immediate future, there is no ground whatsoever for this supposition.”

Q. Have you had any occasion, Miss Hartman, to refer to any portion of the paragraph that was read to you and which you subsequently read—read to you by Mr. Gordon?

A. Yes.

* * *

Q. Now can you tell me what the position of the Communist Party is on the language that is included in that paragraph “smashing of the bourgeois state machine”?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Now I call your attention, Miss Hartman, to Government’s Exhibit 39, and to the section referred to by Mr. Gordon, section 4, Socialism, where it is indicated that one of the reference works was Foundations of Leninism, chapter IV. Now Chapter IV I believe in this book extends from page 47 to page 56, is that right? A. Yes.

The Court: No, no, I don’t read it that way.

Mr. Crockett: I am sorry; it extends from page 47 over to page 60.

(T-9977) The Witness: I am sorry; I was looking at that No. 3 and thought that was—

The Court: That is a subdivision.

The Witness: Yes, sir.

Q. Now what, if any, portion of this chapter in this book, Exhibit No. 33, was referred to by you or by anyone else at the course—in the teacher-training course that is covered by Exhibit No. 39?

Mr. McGohey: Objection. The question, your Honor, if I may—

Mr. Crockett: Suppose we have it read back.

The Court: I am just thinking of the form of it.

Mr. McGohey: That’s it.

Fanny Hartman—for Defendants—Redirect

The Court: It seems to me that it will be perfectly proper for Mr. Crockett to bring out from this witness, if she states it to be the fact, that at no time during any of her lecture—lectures in that course or any discussion that she heard was there a quotation of that particular paragraph or a reference to it.

Mr. McGohey: I have no objection to that, your Honor, but the question was broad enough to include statements by teachers as to whom there is no testimony that she ever participated in their classes.

The Court: Yes. I think what I suggested is what Mr. Crockett is desirous of bringing out.

(T-9978) Am I not right, Mr. Crockett?

Mr. Crockett: I will accept the Court's suggestion.

The Court: Yes.

Mr. McGohey: And as to that I have no objection.

Q. Now will you—

The Court: I will ask that question myself.

Miss Hartman, in the lecture that you gave and in the discussion that you testified to, did you at any time, or any of the persons whom you described as being there in that class, quote or refer to this paragraph that you read at Mr. Gordon's request?

Mr. Crockett: Your Honor, I don't think that was the question that I asked.

The Court: Well, you put it the way you want.

Mr. Crockett: I want to know whether or not there was any quotation or referral to any part of Chapter IV, and, if so, what portion. You see, on Exhibit 39 the reference is to Chapter IV.

The Court: Well, as long as you relate it to the teaching that she did and the discussion that she had in her presence to which she has testified, I will allow it.

Mr. Crockett: Very well.

The Court: So that you may frame the question accordingly.

(T-9979) Q. With that in mind, Miss Hartman, will you answer my question? A. Yes, I quoted from Chapter IV.

Fanny Hartman—for Defendants—Redirect

Q. And will you read to the jury at this time the portion that you quoted from Chapter IV? A. I quoted the following:

"The Dictatorship of the Proletariat is the instrument"—

Q. What page?

Mr. McGohey: Will you indicate the page?
The Witness: I am sorry; it is page 47.

Q. Will you continue? A. "The Dictatorship of the Proletariat is the instrument of the Proletarian Revolution, its organ, its most important mainstay, brought into being for the purpose of, firstly, crushing the resistance of the overthrown exploiters and consolidating the achievements of the proletarian revolution, and, secondly, carrying the proletarian revolution to its completion, carrying the revolution to the complete victory of socialism. The revolution can vanquish the bourgeoisie, can overthrow its power, without the dictatorship of the proletariat. But the revolution will be unable to crush the resistance of the bourgeoisie, to maintain its victory and to push forward to the final victory of socialism unless, (T-9980) at a certain stage in its development, it creates a special organ in the form of the dictatorship of the proletariat as its principal mainstay."

Q. Now will you tell the jury and tell the Court, Miss Hartman, what, if any, comment you made on the passage that you have just read on the occasion when you read it to this class that is referred to in Government's Exhibit No. 39? A. The comment I made as regards this passage was that it was possible and in the interest of the American people to achieve socialism through a peaceful transition; that if there were developed unity of the common people in our country for a people's front government and that government went on to curb the trusts, that the—and prevented fascism in our country, the transition to socialism could be a peaceful one, and that was what we were working for.

Q. Just one or two more questions, Miss Hartman. During the 19 years that you have been an active member of the Communist Party, have you at any time regarded the Communist Party as a conspiracy to overthrow the Government of the United States by force and violence?

Fanny Hartman—for Defendants—Recross

Mr. McGohey: Objection.
The Court: Sustained.

Q. In the course of your contacts with these 11 (T-9981) defendants, Miss Hartman, have you at any time heard any of them make any statement which in any way could be interpreted as advocating the overthrow of the Government of the United States by force and violence?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Crockett: I have no further questions.

Recross examination by Mr. Gordon:

Q. Miss Hartman, while that book is before you, I notice that in other portions of Exhibit 39 you referred to specific sections or pages, whereas as to this book, Exhibit 33, your reference was merely to Chapter IV.

I wonder, while we are reading from the book, if you would mind reading to the jury the second conclusion reached by Mr. Stalin at the bottom of page 54, with reference to the peaceful evolution?

Mr. Crockett: Mr. Gordon, is that the portion that you read when the witness Philbrick was on the stand?

Mr. Gordon: Your Honor, must I be interrogated by both the witness and counsel?

The Court: I did not hear Mr. Crockett's question.

Mr. Crockett: I asked him if that was the portion that he read while the witness Philbrick was on (T-9982) the stand.

Mr. Gordon: And if so—

The Court: Well, suppose it is and suppose it isn't what of it? I don't get the point, Mr. Crockett.

Mr. Crockett: I am sorry. Perhaps it should have been off the record. I was trying to locate it in the transcript.

The Court: Well, all you have to do is get a copy of this Exhibit 33 before you and you will find it on that page.

Mr. Crockett: All right, your Honor.

Daniel Boone Schirmer—for Defendants—Direct

Q. Will you read it for us? A. "Second conclusion"?

Q. Yes. A. "The dictatorship of the proletariat cannot arise as the result of the peaceful development of bourgeois society and of bourgeois democracy; it can arise only as the result of the smashing of the bourgeois state machine, the bourgeois army, the bourgeois bureaucratic machine, the bourgeois police."

Q. And that was included in your assignment? A. Yes.

* * *

(Witness excused.)

* * *

(T-9983) DANIEL BOONE SCHIRMER, called as a witness on behalf of the defendants, being duly sworn, testified as follows:

Direct examination by Mr. Crockett:

Mr. Crockett: May I have Government's Exhibits Nos. 40, 33, 30, 27-A and 32?

(Mr. McGohey hands exhibits to Mr. Crockett.)

Q. Mr. Schirmer, where do you reside? A. I reside at 35 Faston Street, Roxbury, Massachusetts.

Q. With whom do you live there? A. I live there with my wife and three children.

Q. Are you a citizen of the United States? A. I am a direct descendant of Daniel Boone.

Mr. Crockett: Will the Court take judicial notice of the place of Daniel Boone in American history (T-9984) and inform the jury accordingly?

(Laughter in the courtroom.)

The Court: I don't think I need to take judicial notice of that. Now, don't be absurd. I think we all know who Daniel Boone was.

Q. Will you tell us what formal education you have had? A. I attended private school in Greenwich, Connecticut, for

Daniel Boone Schirmer—for Defendants—Direct

eleven years, then for one year I attended private school in Asheville, North Carolina, and I graduated from Harvard College in 1937.

Q. I show you Government's Exhibit No. 40, the Communist Manifesto, and I ask you if you have ever seen that book before? A. I have.

Q. Where did you first see it or read it? A. I first saw that book in my junior year in school, that is, in 1931.

Q. Was it in the Library? A. It was in the school library. I found it in amongst a collection of the world classics, amongst the writings of Plato, Descartes, St. Thomas Aquinas, and other great thinkers.

Q. Now I show you the book Imperialism, which is Government's Exhibit 27 for identification, and ask you if you have ever seen that book before? A. I have.

Q. Where did you first see it and read it? (T-9985) A. I first saw that book in my senior year in the grade school or high school. I came across it in Brentano's book store, main book store, in New York City, and purchased it and read it.

Q. And I show you Government's Exhibit No. 32, State and Revolution, by V. I. Lenin, and ask you if you have seen that exhibit before—that book, rather? A. I have.

Q. Where did you first see it and read it? A. I first saw and read that in the library of Harvard College.

Q. And I show you Government's Exhibit No. 33, Foundations of Leninism, by Joseph Stalin, and I ask you if you are familiar with that book? A. I am.

(T-9986) Q. Where did you first see it and read it? A. In the same place as the last.

Q. Harvard College? A. That is right.

Q. Did you read them in connection with any courses you were taking at Harvard University?

Mr. McGohey: Objection.

* * *

The Court: Sustained.

Q. Mr. Schirmer, are you a member of the Communist Party? A. I am.

Q. And when did you join the Communist Party? A. I joined the Communist Party in 1936.

8720

Daniel Boone Schirmer—for Defendants—Direct

Q. Have you been a member of the Communist Party continuously since you first joined in 1936? A. I have.

Q. Are you a veteran? A. I am.

Q. Of what war? A. Of World War II.

Q. Will you tell us what period you served in the Army and when you were discharged? A. I served in the Army from November 1944 until July 1946, when I was honorably discharged.

Q. In what year did you say it was that you received your degree from Harvard University? A. 1937.

Q. What, if any, employment did you follow upon (T-9987) graduation? A. I was elected to the post of New England secretary of the American Students Union after graduation.

Q. How long did you hold—

The Court: Will you read that answer.

(Answer read.)

The Court: American Students Union.

Q. How long did you hold that post? A. I held that post until 1939.

Q. Have you ever had an elective post in the Communist Party? A. I have.

Q. Will you tell us what your first elective post was in the Communist Party? A. In 1939 I was elected state secretary of the Communist Party of Vermont.

Q. How long did you serve in that capacity? A. From 1939 until 1940.

Q. During the period that you have just mentioned, when you were stationed in Vermont, was the Communist Party on the ballot for the election of public officials for the State of Vermont and the United States?

Mr. McGohey: Objection.

The Court: Sustained.

Q. After—

Mr. Crockett: I withdraw that.

Q. What was your next post with the Communist Party? A. I was next elected to be secretary of the Communist (T-9988) Party of Western Massachusetts.

Daniel Boone Schirmer—for Defendants—Direct

Q. And for what period did you serve as secretary of the Communist Party for Western Massachusetts? A. That was from 1940 until November 1944.

Q. Was the Communist Party on the ballot in the State of Massachusetts during the period that you served as—in the office you have just mentioned?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Crockett: May I have this marked for identification.

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

* * *

Q. I show you, Mr. Schirmer, Defendants' Exhibit 9 x H for identification, which purports to be a campaign leaflet in support of the candidacy of a Communist candidate for governor and I ask you if you recognize that exhibit (handing)? A. I do.

Q. Can you tell me when you first saw it? A. I first saw it in the late summer or early fall of 1942.

Q. And can you tell me whether or not that exhibit was distributed by the Communist Party in the western part of Massachusetts during the period that you saw it? (T-9989) A. It was.

Mr. McGohey: Objection.

The Court: I will sustain the objection. I do so because it seems to me that if I allow it I will necessarily have to allow the paper in evidence, which I am not prepared to do.

Mr. Crockett: Is your Honor ruling the paper out?

The Court: I don't rule the paper out now. I rule the question out because I feel if I allowed it it would inevitably lead to my ruling on the admissibility of the paper.

Mr. Crockett: Does that mean I cannot show that that was distributed?

Mr. McGohey: Objection.

The Court: There is no point of showing that a paper was distributed unless it is material to the

Daniel Boone Schirmer—for Defendants—Direct

case. If you want it merely as a preliminary, as a foundation for the offer of it—is that the point, Mr. Crockett?

Mr. Crockett: That is the point.

The Court: I will allow it then.

Q. Will you state whether or not that document, Exhibit 9 x H, I believe, for identification was distributed by members of the Communist Party in the western part of Massachusetts at the time that you say you first (T-9990) saw it? A. It was.

Q. Did you participate in that distribution? A. I did so.

Q. Was that one of the activities of the Communist Party? A. It was so.

Q. Did that constitute any form of advocacy by the Communist Party?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Crockett: I offer the exhibit in evidence.

Mr. McGohey: This is objected to, your Honor.

The Court: Sustained.

By the Court:

Q. Mr. Schirmer, did you campaign in support of the candidacy of Mr. Otis A. Hood who ran on the Communist ticket for Governor of Massachusetts at the time that you saw this pamphlet? A. I did do that.

Q. And did other members of the Communist Party to your knowledge support his candidacy at that time? A. They did so.

By Mr. Crockett:

Q. In campaigning for Mr. Otis A. Hood as the candidate of the Communist Party for Governor of Massachusetts in 1942 were you performing any part of your functions as an elected officer of the Communist Party?

(T-9991) Mr. McGohey: Objection.

The Court: Sustained.

Daniel Boone Schirmer—for Defendants—Direct

Q. Did you in the course of campaigning for Mr. Otis A. Hood as Governor of Massachusetts in 1942 and acting on behalf of the Communist Party and in your capacity as official of the Communist Party in Western Massachusetts teach and advocate the material that is contained on Defendants' Exhibit 9 x H for identification? A. I—

Mr. McGohey: Objection.

The Court: Sustained.

Q. Mr. Schirmer, have you ever sought public office on the Communist platform in any State? A. I have.

Q. Will you tell us where and when? A. It was in the State of Vermont in the year 1940.

Q. And will you tell us what was the outcome of your efforts to obtain election on the Communist Party platform?

Mr. McGohey: Objection.

The Court: Let him first tell us what he was running for.

By the Court:

Q. Did you run for office on the Communist ticket, Mr. Schirmer? A. I did.

Q. And what office were you running for? A. I was running for U. S. Representative to Congress from the (T-9992) State of Vermont.

By Mr. Crockett:

Q. Now were you nominated? A. I was not.

Q. Did your name appear on the ballot? A. It did not.

Q. Is there any reason why it did not appear on the ballot?

Mr. McGohey: Objection.

The Court: Sustained.

Q. What if any effort was made by the Communist Party in Vermont to place your name on the ballot?

Mr. McGohey: Objection.

The Court: Sustained.

Daniel Boone Schirmer—for Defendants—Direct

By the Court:

Q. I thought, Mr. Schirmer, you told me that you ran for the office of United States Representative or Congressman in the 1940 election in Vermont. Did I misunderstand you? A. No, you did not.

Q. And I gather that you attempted to run on the Communist ticket and something prevented you from doing that? A. That is so.

Q. But despite whatever was done to prevent you from running you did run? A. No, I did not run. Could I explain that?

Q. Well, I hesitate to ask you for an explanation because it seems rather remote from the issues that we (T-9993) have here in our case. I felt that I should permit proof that candidates ran on the Communist ticket wherever the Communist Party put them up as candidates and, following what I have attempted to do here throughout, to allow a reasonable amount of that in without having sufficient of it to confuse and obscure the other issues; and it seems to me if I let in all the details of what happened up in Vermont in reference to your attempt to get on the ballot that it would violate the spirit of the ruling that I have made. So I rule it out.

Mr. McGohey: Very well.

By Mr. Crockett:

Q. Upon being honorably discharged from the Army, Mr. Schirmer, did you return to Massachusetts? A. I returned to my home in Springfield.

Q. And did you return to your position with the Communist Party which I think you said was district organizer for the Western District of Massachusetts?

The Court: No, he was secretary of the Communist Party of Western Massachusetts from 1940 to November 1944.

Mr. Crockett: I am sorry, I had the wrong title.

Q. Did you return to that position? A. I did not.

Q. What was the first position you held with the Communist Party after your return from the Army? A. For

Daniel Boone Schirmer—for Defendants—Direct

four months, thereabouts, I spent my time (T-9994) acquainting myself with the state of politics in this country and with the program of the Communist Party as it developed during my time in the Army. After that time, in November of 1946, I was elected educational director for the State of Massachusetts.

Q. And how long did you serve in that position? A. I served in that position from approximately November 1946 to March, thereabouts, 1947.

Mr. Crockett: Now if your Honor please, I have another line of examination that I want to go into, but it is going to take some time. I wouldn't care to interrupt it.

The Court: I think it is better to stop now.

Mr. Crockett: Thank you.

The Court: 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.

Mr. Crockett: I am returning Mr. McGohey's exhibits.

(Adjourned to July 15, 1949, at 10.30 a.m.)

8726

Case Adjourned Due to Illness of Juror

(T-9995)

New York, July 15, 1949;
10.30 o'clock a. m.

(The following in the absence of the jury:)

The Court: Now gentlemen, I have come in merely to announce that one of the jurors is ill and is now in the first aid room here. We will have no session in court today. It is believed that he will be all right for Monday, so that we can go on then. I have felt that it would not be wise to attempt to have any session at all today, so that court is now recessed until Monday morning at 10.30.

(Adjourned to July 18, 1949, at 10.30 a. m.)

(T-9996)

New York, July 18, 1949;
10.30 o'clock a. m.

(Jury, with the exception of No. 5, present in the courtroom.)

The Court: I am informed that Mr. Smith, Juror No. 5, is greatly improved this morning and anticipates that he will be able to return tomorrow, so that I will now direct that we take a recess until tomorrow morning at 10.30 o'clock, on that expectation that we will be able to go on then.

The Clerk: Court is adjourned until tomorrow morning at 10.30.

(Adjourned to July 19, 1949, at 10.30 a. m.)

8727

Colloquy of Court and Counsel

(T-9997)

New York, July 19, 1949;
10.30 o'clock a.m.

TRIAL RESUMED

The Court (To Juror No. 5): Well, Mr. Smith, we are glad to see you back.

Juror No. 5: I am glad to be back.

The Court: I am just wondering whether it wouldn't be better and more comfortable for you if you were wheeled up near your old position in seat No. 5 there, or whether you feel you would be more comfortable right where you are?

Juror No. 5: I think right here, Judge, your Honor. Many thanks for your consideration.

The Court: All right. And I want to tell you that we are all glad you are back. In the little conference that we had yesterday both counsel for the defense and counsel for the Government expressed the hope that you would be able to continue, and so here you are. So that if there is anything that I can do to help make you more comfortable, don't hesitate to let me know.

Juror No. 5: I will be glad to inform the marshal.

The Court: Now let us see who is here.

(T-9998) (The clerk confers with the Court.)

Mr. Gladstein: Your Honor, Mr. Isserman and Mr. McCabe are away.

Mr. Sacher: And I am going to leave, with your Honor's permission, shortly.

The Court: Oh, you are going to leave shortly. So that it will be Mr. Isserman, Mr. McCabe and Mr. Sacher who will be absent.

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

Daniel Boone Schirmer—for Defendants—Direct

Now I may say also for the record that I have received the doctor's certificate relative to Mr. Smith, and I shall merely place it upon my files.

Mr. Crockett: Shall we proceed, your Honor?

The Court: Yes, you may proceed, Mr. Crockett.

Mr. Crockett: Will you take the stand, Mr. Schirmer.

The Court: Mr. Schirmer may resume the stand.

(T-9999) DANIEL BOONE SCHIRMER, resumed the stand.

Direct examination continued by Mr. Crockett:

Q. When we adjourned on Thursday, Mr. Schirmer, I think you just told us that you became educational director of the Communist Party in the Massachusetts district some time in November of 1946; is that right? A. That is so.

Q. What month was that? A. That was in November 1946.

Q. Now will you tell us—

The Court: And he served until March 1947, as I recall; am I right about that, Mr. Schirmer?

The Witness: That is correct.

Q. What duties did you generally perform as educational director? A. I had three general duties. The first was the supervision of the preparation of printed material: leaflets, pamphlets, printed or mimeographed, that were issued by the Party in our State; secondly, the supervision of club discussions and classes to the training—through the training of teachers and discussion leaders, and through the issuance of outlines for their use. Finally, I supervised the arrangement of public mass meetings, either in public buildings or in parks, public places, and the arrangement of radio broadcasts.

* * *

(T-10,000) Q. I show you, Mr. Schirmer, Defendants' Exhibit GG for identification, a study outline on Prosperity and Depression in Capitalist Society prepared by

Daniel Boone Schirmer—for Defendants—Direct

the Education Commission, New England District, Communist Party, price ten cents, and I ask you if you recognize that document?

* * *

A. I do.

Q. And did you participate in any manner in the preparation of that outline? A. Yes, I did.

Q. When did you participate? A. In late November 1946 to the spring of 1947.

Q. Now during the period from November 1946 to the spring of 1947 what was the nature of your participation? A. Well, I supervised the preparation of this document in line with my general duties in the supervision of the preparation of all printed material issued by the Party in our State.

Q. Now, can you tell us in what manner, if any, Defendants' Exhibit GG was used in the Greater Boston area prior to July 20, 1948, the date of the indictment (T-10,001) in this case?

Mr. McGohey: Objected to.

* * *

The Court: I will sustain that as to form. It may be reframed.

Q. Was Defendants' Exhibit GG used in the Greater Boston area prior to July 20, 1948, by the Communist Party?

Mr. McGohey: Objection.

The Court: Same ruling.

You see, Mr. Crockett, he may say almost anything—almost any sort of thing based upon hearsay or based upon supposition or surmise, and what he personally had to do with it I will allow.

Mr. Crockett: Thank you.

Q. Have you any personal knowledge of any use made by the Communist Party of Defendants' Exhibit GG in the Greater Boston area prior to July 20, 1948?

Daniel Boone Schirmer—for Defendants—Direct

Mr. McGohey: Objection.

The Court: I will allow a yes or no answer to that.

A. Yes.

Q. Now will you tell us in what manner it was used?

Mr. McGohey: Objection.

(T-10,002) The Court: I will hear you on that, Mr. McGohey.

Mr. McGohey: Well, if the Court please, I think it is subject to the same infirmity as the other line of questions. He is asked if he had any knowledge. I had understood that the ruling with respect to all these matters was that the Court would permit and, indeed I had not objected to, questions the purpose of which was to elicit what the witness had done. Now we are getting a general question: Does he know what somebody else did? How was it used? In what manner was it used? We are back at that question, "Does he know?" which, as your Honor suggested a moment ago may be based on surmise or hearsay or may be nothing but an informed or uninformed guess.

The Court: Yes, I think the question can be made more specific, Mr. Crockett.

Will you read the question, Mr. Reporter?

(Question read.)

(T-10,003) The Court: Yes.

Q. Did you, as Educational Director for the Party in the Greater Boston area, make any use of Defendants' Exhibit GG in connection with your duties as Educational Director in that area prior to July 20, 1948? A. I did.

Q. Now will you tell us what use you made of it? A. At numerous—on numerous occasions I used this outline as the basis for a discussion or a talk on economic perspectives for our country, and in my talks I made reference to the outline and urged the persons hearing me to purchase it, read it and to use it for similar discussions should they see fit or so desire.

Daniel Boone Schirmer—for Defendants—Direct

Q. Now, did you, in your capacity as Educational Director during the period in question, distribute that outline to any clubs of the Communist Party in Massachusetts?

A. I did.

Q. And did you, in your capacity as Educational Director, at any time receive any information concerning what, if any, use was made by the clubs of those outlines?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Crockett: I offer Defendants' Exhibit GG in its entirety in evidence, your Honor.

The Court: Some parts are already in evidence.

(T-10,004) Mr. Crockett: Some parts are already in evidence.

The Court: Just hand it to Mr. McGohey.

Mr. Crockett: I think he has a copy.

Mr. McGohey: We do have a copy and my notes indicate that the cover is in evidence as GG-1, and page 28 is in evidence as GG-2. To the offer now made by the defense, I object.

The Court: My notes indicate that, as GG-1, the cover was received in evidence; and that, as GG-2, the first two paragraphs on page 1 were received, and also the last paragraph. So the document seems to be marked. I mention that merely for clarification purposes, Mr. McGohey.

Mr. McGohey: Did your Honor say the first two paragraphs on page 1?

The Court: First two paragraphs, is what my notes say, first two paragraphs on page 1, and there is a mark here on the original exhibit that may make it a little doubtful as to whether everything above the mark here was received as GG-2.

Mr. McGohey: On what page is GG-2, page 1?

The Court: Page 1.

Mr. McGohey: Well, I had a photostat and that probably misled me. I see now, in looking at the original copy, that your Honor is correct, that the first (T-10,005) two pages of page 1—

Mr. Gladstein: Paragraphs.

Mr. McGohey: —were received in evidence and also the cover.

Daniel Boone Schirmer—for Defendants—Direct

The Court: Yes; you mean the first two paragraphs?

Mr. McGohey: First two paragraphs on page 1, your Honor.

The Court: Yes.

Mr. McGohey: However, as to the exhibit as now offered, I object to it, that is, that part of the exhibit not already incorporated in the exhibits in evidence.

The Court: Yes, I realize that.

(Proffered exhibit handed to the Court.)

(A pause.)

The Court: I will sustain the objection.

(T-10,006) Q. Now, Mr. Schirmer, I believe you mentioned that your duties as Educational Director included the supervision of classes in educational instruction to the clubs, is that right? A. That is right.

Q. And I think you also stated that this included the training of teachers and discussion leaders. A. That is right.

Q. Can you, by giving us the time and the place and who were present, identify for us any class which you supervised or led during the period from April 1, 1945, to July 20, 1948, the period of the indictment? A. Yes. Towards the end of November '46, in the State Offices of the Communist Party at 80 Boylston Street, a series of classes comprising a teachers' training course was held. The course was of five sessions: one, an introduction; one in political economy; one of the fight for world peace; one on the struggle to maintain American democracy, and, finally, one in Socialism. As to those that were there, I cannot remember; that it was not in the nature of my duty to select those.

Q. How were the persons who attended this class selected? A. Well, we sent out a notice to the clubs that this type of course was going to be held and asked them to select persons interested and capable of teaching (T-10,007) such classes.

Q. Now did you give any of these lectures or lead any of those classes? A. I did.

Daniel Boone Schirmer—for Defendants—Direct

Q. Will you tell us which ones you conducted? A. I conducted the class, the introduction to the course, and I conducted the one on political economy.

Q. Now how was the class on the introductory class conducted? A. Well, I can remember the atmosphere as being very informal. I gave an introductory discussion which was, as I remember—I know it was free to interruption when I didn't make myself clear or when someone wished to speak, and after I spoke there was general discussion on what I said.

The Court: How many were there?

The Witness: I believe that about 10 or 12 clubs responded to our invitation, so that there must have been 10 or 12 people there.

The Court: Were they workers?

Mr. Crockett: I think his Honor asked you a question.

The Witness: Oh, excuse me.

Mr. Crockett: "Were they workers?"

The Court: That's all right.

The Witness: They were workers, yes.

Q. Now will you tell us briefly what you said in this (T-10,008) class? A. Well, I first tried to explain to the—I first explained to the class the importance of Marxism-Leninism or the theory of Socialism. I pointed out that we were a party of Socialism in the United States, and we believed—we knew that Socialism would not come to this country as we desired until the majority of the people, the majority of the working people understood the need for Socialism and wanted it, too, and I pointed out to the members of the class that the understanding of the American people, of the majority in Socialism and its need for the country would not come just by itself or automatically, that the working people, it was true, organized and united and worked day by day to better their conditions, to get higher wages, shorter working hours, better housing, and so on, and that in this way they did work to better their conditions in a temporary way, but I pointed out that they would not understand that these gains that they made would be temporary only, and that the only way in which they could get permanent economic

Daniel Boone Schirmer—for Defendants—Direct

security and political liberty would be under Socialism, that they would not understand this by themselves, and just in the course of their daily struggles, that what was needed for this was a political party of Socialism which would bring to the people in the course of their daily struggles the understanding of Socialism and of how Socialism would permanently solve their daily, pressing problems.

(T-10,009) That was the first point that I made—the importance of socialist theory to bring socialist consciousness to the majority of the people in this country.

The second point, as I remember, I said that in our study of Marxist-Leninist works, Socialist works of Socialist theory, that we should not approach them, approach their study in any parrot-like fashion or rigid mechanical fashion; that is to say, to take a paragraph or a sentence from the work of one of the great thinkers of the socialist movement such as Marx or Lenin and try to apply on this or that occasion a sentence or paragraph by Marx or Lenin automatically to every situation as it arose in America. I pointed out as an example of this that we as Americans and as Communists had great respect and learned from the teachings of Thomas Jefferson, the great revolutionary Democrat; but I said while we read and studied his teachings we would in the same way want to remember the conditions under which they wrote. For instance, I said on one occasion Jefferson said that the tree of liberty must be watered every few years with the blood of patriots and tyrants. Well, I said, we must remember that this teaching of Jefferson came as a result of his experience in the American Revolution and the fight that had been forced on the American people by the feudal monarchy of Great Britain, and I said that is the way (T-10,010) we should approach the teachings of Marx and Lenin, in the same way remembering in which conditions they were written and, remembering the conditions under which we are now working, that we should try in the same way that we drew great lessons, democratic lessons from the teachings of Jefferson, in the same way we should try to understand the main democratic teachings, main lessons of Marx and Lenin, and this was the way in which we should study.

Daniel Boone Schirmer—for Defendants—Direct

And the final point I made was that we do not study Marxism-Leninism, or the theory of Socialism for the sake of study alone, for the sake of reading a certain number of books, but that we study Marxism-Leninism, which is nothing more than the accumulated experience of the working people all over the world for the past century—that we study this theory in order to improve and to guide our activities on behalf of the welfare, the daily improvement of the living conditions of the majority of the people in this country.

For an example of this I pointed to what was then the great need of housing in the State of Massachusetts. After the conclusion of the war there were many thousands of veterans in the State of Massachusetts and people living without homes and people living in slums as well, and that there was a need generally recognized for housing. I said (T-10,011) that we would not really study Marxism-Leninism well if we did not at the same time participate in the struggles, the movements of the people of Massachusetts for housing, and I explained this in the following way: that we knew, our Marxist-Leninist teaching taught us that housing was a monopoly on the whole of big real estate interests and that they would not willingly build new homes because it would lead to a lessening of their rentals at the present time and that therefore we understood as Communists that the Government of the State would have to take the responsibility for building homes, and I said it was our duty as Marxist-Leninists to help organize and unify the people of the State for a housing program, and I pointed out that the relationship of this socialism and to Socialist theory which was the subject under discussion as follows, and I concluded: that when the working people of the State would get together and bring their influence to bear upon the Government of the State for housing, that they would be participating in the democratic process, they would be educating themselves in the process of self-government, and that it was through the attainment of government housing programs, through their unification for such reforms carried out by the government that the people would come to understand their own power, would come to understand what the meaning of democracy was and (T-10,011-A) would come—be

Daniel Boone Schirmer—for Defendants—Direct

prepared for the highest form of democracy or socialism—the highest form of self-rule on the part of the people.

Those were the main general ideas that I tried to get across at that first session.

(T-10,012) Q. Now, I think you told us that the students who were assembled in this course were free to interrupt and ask questions at any time. A. Yes.

Q. Was there any discussion following your introductory talk to them? A. There was.

Q. Will you tell us what was the purpose?

The Court: Just before you do that, nothing in there about any dictatorship of the proletariat at all?

The Witness: I explained to them the dictatorship of the proletariat.

Q. Was that in this introductory—in the first session that you led? A. That is right. I explained to them, in connection with the statement I made on Socialism as the highest form of democracy, I said that under—the American people had fought and suffered to establish democracy as we had it in this country and that we Communists likewise would fight and suffer to maintain democracy as we have it in this country, but I pointed out that the form of democracy that we had in this country was limited because it was political democracy or rule by the majority of the people politically without an economic foundation; that the economic decisions, economic power in this country was in the hands of a few big banks and monopolists and this (T-10,013) inevitably limited the democracy exercised by the people through the existing political framework; and I pointed out that Socialism, on the other hand, would deepen American democracy by giving the majority of the people the economic power, the power to make the economic decisions, by transferring into their hands and out of the hands of the minority that now owned them, transferring out of—into their hands the wealth, the economic power, the magnificent productive apparatus of our country, and giving them the power, politically and economically, to make these vitally important decisions, and that this would comprise the main strengthening of American democracy that would come through the establishment of a Socialist

Daniel Boone Schirmer—for Defendants—Direct

government, and that, as far as the question of proletarian dictatorship was concerned, that this would refer to what was the general experience of the working people, that after the establishment of a Socialist government, it was necessary to have a government that would take strong measures on behalf of the majority to prevent the minority, that had been dispossessed of their ownership, their profitable ownership of the wealth of the country, from trying to violently overthrow the established democratic Socialist government.

Q. Was anything said during this first session on (T-10,014) the question of whether this Socialist government was to be established by force and violence?

Mr. McGohey: If the Court please, we ought to find out who said it.

The Court: Well, I think the witness has said that he didn't know—didn't you know any of the people that were there as students?

The Witness: I don't recall.

The Court: Did you hear them referring to one or another by their first names only?

The Witness: I am sorry, I don't recall.

The Court: Don't remember?

The Witness: I don't recall.

Mr. McGohey: Then, if the Court please, I object to any statement by some unknown person that the teacher of the class can't even remember.

The Court: I will sustain the objection.

We will hear what the witness testifies he taught them.

Q. Did you, in the course of your lecture to this class, discuss the method by which a Socialist state might be established in this country? A. Yes.

The Court: That is just what you have been telling us, isn't it?

The Witness: I believe it is.

(T-10,015) The Court: That is what I thought.

Q. Did you say anything about force and violence? A. I did so.

Daniel Boone Schirmer—for Defendants—Direct

Q. Will you tell the Court and jury what it was that you said? A. Yes, I said that it was our aim and our program to achieve Socialism in this country with the minimum of suffering, and this meant by peaceful means; and that I pointed out our daily practice proved this, and that our daily practice was to try to unite the people in the largest number possible for their daily needs, for higher wages, for housing, to unite them so that they could get their will done in spite of obstruction of big monopolists and the bankers; and that, I said, that if we were able, that this was our aim to achieve the maximum amount of unity of the people, and that we felt, with the overwhelming majority of the people uniting and expressing their united conviction for Socialism, that this would be the best guarantee that Socialism would come peacefully to this country. But I pointed out that we must be aware of what had happened in the past, not only in the Socialist revolutions but in capitalist revolutions; that every—that, for instance, in the American Revolution, the American people had made their desires for independence and for economic betterment known time after time and had tried to (T-10,016) achieve these ends peacefully, but that the monarchy, the British monarchy, had not permitted them to do so but had landed Hessian troops and had started the Boston Massacre.

And I said we should keep such a lesson in mind, and that remembering that, in the course of such a tremendous step forward for the American people as Socialism would be, that it would—it is likely that private and selfish interests would attempt to thwart—big corporate interests would attempt to stop them by any means from marching forward to Socialism, any means, including the use of violence against the people, and I warned them of this.

The Court: Did you describe that as a counter-revolution?

The Witness: I don't remember using that word, your Honor.

Q. Now, I think you testified that you also spoke to the class on political economy. Do you recall what session that was? You have just described for us the first session.

Daniel Boone Schirmer—for Defendants—Direct

The Court: Yes, political economy was lecture No. 2 that he gave.

Q. Now, will you tell us what you said to that class in the course of your discussion of political economy? (T-10,017) A. Well, it will be briefer because the subject matter was more detailed, necessarily. However, I remember one general point that I made. This had to do with classes and the relationship of classes.

Mr. McGohey: If the Court please, we have no testimony as to how many students were there or any more definite time than a period of several weeks when this class was held.

The Court: Well, he said there were five sessions and that he was the teacher at the first two, namely, the introductory session and the one on political economy, that he is about to describe, and I gather the same people were there, were they not, Mr. Schirmer?

The Witness: To the best of my recollection, your Honor.

The Court: Well, you have some real recollection of them, haven't you?

The Witness: Yes, I would say that they were.

The Court: Were they about half men and half women?

The Witness: I never made any point of making a note of that, your Honor. I don't really remember.

Q. There had been no later communication to the clubs to send additional students to this class, had there? A. No.

(T-10,018) Q. So that the students who were there had been the ones who had been sent in pursuant to the first communication to the clubs?

The Court: He says he thinks they were the same ones but he doesn't have any special recollection about it. Am I right about that, Mr. Schirmer?

The Witness: That is right.

Daniel Boone Schirmer—for Defendants—Direct

Q. Now, will you tell us what you said to this second session on political economy? A. Yes, as I said, I made one general point that I remember, and that was on the question of class relationships in this country. I said that there were, on the whole, two main classes in the country, the class of the owners, the big monopolies and big bankers, who were in the minority, and the class of the working people, the workers, who were in the overwhelming majority.

Q. What are those two classes called? A. Well, the working class—

Mr. McGohey: "What are they called?" I object to the form "What are they called?" Not what he—

The Court: I think Mr. Crockett meant to say what did he call them when he was talking to the class that day.

Mr. Crockett: That is right.

Mr. McGohey: I have no objection to that.

(T-10,018-A) A. (Continuing) I called them to the capitalist class and the working class.

Q. Will you continue? A. Yes. And that in between the class of big capitalists, monopolists, and the workers, there was a middle class, farmers, small shopkeepers and so on.

(T-10,019) I made this main point, that under present conditions there were two—two main tendencies so far as classes were concerned in this country: first, a narrowing of the owning class continuously—

Q. That is the capitalist class? A. That is the capitalist class, the class of the bankers and the big monopolists, and this was continually becoming smaller and more concentrated, and, secondly, that the working class was continually changing, that these were two main trends. This didn't mean that there was not fluctuation from the working class into the middle class but that the main trends were those that I have described. And I said that this was somewhat different to what had been the pattern in American history previously. I pointed out that from 1600 to about 1900 there had been this: that the nature of capitalism was such that it was composed of small individual

Daniel Boone Schirmer—for Defendants—Direct

enterprises, small capitalists were the rule in our country at this time, small businesses. That was the first thing.

Secondly—and this was something specific to America—that there had been all through this period a frontier in our country where working people in the East could move out West and become small capitalists, small farmers, small businessmen; that—and I forgot to draw the conclusion from my first thought, that because capitalism (T-10,020) was in the nature of small individual enterprises it was more easy, more possible for a worker to become a capitalist in this period, in the first place, and it was more easy for a worker to become a property owner, a landowner, a small capitalist for the second reason that I have described in this period, and that the movement towards the frontier, which was pioneering, and in which my ancestor took a part—that this movement—this pioneering, amounted to the movement of the working people of the East to the West, to raise themselves socially and economically, to advance their position socially, economically, politically and culturally, and that this had been possible for masses of people up to the 1900s, and that the goal of the individual and self-reliance in individual betterment were the main characteristics, but I pointed out that around 1900 two things had happened: first and most important, capitalist economy had changed so that instead of the dominant pattern being that of small individual concerns, the dominant role was played by big monopoly corporations and banks, and that this made it more difficult for the movement of the workers into the ranks of the capitalist class to take place; secondly, that the frontier had come to an end, had been closed up at this time, and that therefore this avenue of self-advancement on the part of the working people was closed, and I drew from this the lesson that (T-10,021) under modern conditions in America the main way in which the working people would be able to advance themselves and better their conditions would be through united, organized effort together, unions to better their wages, shorten their hours, to get housing, and so on, and that the only real way in which they could make a permanent betterment of their position was through the establishment of socialism or the taking over and the running of the resources of the

Daniel Boone Schirmer—for Defendants—Direct

country on their behalf, and I said that this movement for socialism now—which placed emphasis on individual betterment of the working people through their collective and joint effort, that this movement could now be considered the modern expression of pioneering in that it opened—that it opened up new social frontiers that were necessary for the betterment and better living conditions of the people.

(T-10,022) Q. Now have you since—March, I believe you said—of 1947 served in any capacity as educational director or as being in charge of the educational work in the District of Massachusetts Communist Party? A. Well, for three or four months after I resigned the position in March 1947, Otis Hood held the position but he was not working full time for the Party and he found that the duties as educational director were incompatible with his private work and his employment, and for that reason he gave it up. At that time I took over again the duties of educational director in the Boston area, although I didn't resume the title. The title was abolished, you might say. But to all intents and purposes I carried out those responsibilities.

Q. And did you—

The Court: Will you read that last part, Mr. Reporter?

(Record read.)

The Court: That part about the title was what I missed.

Q. Why was the title abolished?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you continue performing this educational work for the Party in the Massachusetts area down to July 20, (T-10,023) 1948, the date of the indictment in this case? A. I did.

Q. You mentioned that Otis first succeeded you and that the work as educational director was incompatible

Daniel Boone Schirmer—for Defendants—Direct

with his employment? Will you tell us what you mean by that?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Was the nature of the work during the period that it was being performed by Otis Hood such as to require full time?

Mr. McGohey: Objection.
The Court: He has already testified to that, Mr. Crockett.
Mr. Crockett: I am trying to find out what he means by "incompatible."
The Court: Yes.
Mr. McGohey: He has already testified.
The Court: You see, you are repeating it over and over. You may refresh your own recollection, but as to the rest of us we remember.

Q. As educational director, Mr. Schirmer, during the period from November 1946 to March 1947 and during the later period that you have served more or less in that capacity down to July 1st—July 20th, rather, 1948, were you generally aware of the educational work carried (T-10,024) on by the various clubs in Massachusetts?

Mr. McGohey: Objection.
The Court: Sustained. I will ask the question.

By the Court:

Q. Did you make it your business to get reports from time to time from your subordinates in that educational department in Massachusetts? A. I got reports from time to time from the clubs as to their educational activities.

Q. Yes. That was part of your job? A. Yes, it was.
Q. And you did that? A. I did.

By Mr. Crockett:

Q. Now was the Melrose Club, to which the witness Philbrick has testified, included in the clubs under your supervision? A. It was.

Daniel Boone Schirmer—for Defendants—Direct

Mr. McGohey: I didn't hear the answer, please.
The Witness: It was.

Q. And the Malden Club? A. It was.

Q. And the Professional Club? A. It was.

Q. Was it customary for the clubs—Communist Party clubs in the Massachusetts district during the period from November 1946 when you were educational director down to July 20, 1948, the date of the indictment in this case, to hold educational discussions as a feature of their membership meetings? A. It was.

Q. Now did your duties include the supervision of (T-10,025) these educational discussions? A. They did.

Q. During this entire period? A. That is so.

Q. Will you tell us in what manner you supervised the educational discussions at the club meetings? A. I prepared and trained the discussion leaders.

Q. Were these workers that you are talking about now, the people that you were training as discussion leaders? A. Yes, workers, middle class people,—people who were Party members.

By the Court:

Q. What are middle class people? A. Well, a small businessman is a middle class person, a person who has a small business who is not a worker in the sense that he receives wages but draws remuneration from his own business. Such a person is what I mean generally when I say a middle class person, your Honor.

Q. But these people you were talking to, they understood what you meant by that? A. I believe so.

By Mr. Crockett:

Q. Had you completed your answer on how you supervised these educational discussions? A. No, I had not.

Q. Will you continue, please? A. Besides training discussion leaders I prepared outlines for club discussions, I received reports from time to time as to the educational activities of the clubs, and I visited the clubs from time (T-10,026) to time to see how their educational activities were proceeding.

Q. Did you discuss with them the policy of the Communist Party?

Daniel Boone Schirmer—for Defendants—Direct

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

The Court: Yes.

Mr. McGohey: Did he discuss with them?

The Court: Yes, it is the same old story.

By the Court:

Q. Can you identify the people that you talked with on any one of these occasions? A. I talked with a great many people on a great many occasions in this regard.

Q. What I meant to ask you was, can you identify any single one of them which you discussed this subject with on any single and identifiable occasion? A. I believe I discussed this with Otis Hood.

Q. Was he one of the persons leading the discussion among the clubs? A. Yes.

The Court: All right.

Mr. McGohey: May we have the club and the time?

The Court: Yes, he will give that in just a moment.

By Mr. Crockett:

Q. Can you remember the occasion—

The Court: He is thinking. He is thinking now.

(T-10,027) Mr. Crockett: I am sorry.

The Court: Very desirable for him to do so.

A. I believe in the summer of 1948 I had a discussion with Mr. Hood concerning an educational topic he was going to take up in the Malden Club.

Mr. McGohey: Could we have the period of the summer of 1948?

The Court: Can you fix it any closer than that in the summer? August, July?

The Witness: Well, that is a little difficult. I would say August.

The Court: August? All right, Mr. Crockett, you may go ahead and ask him to testify to what was said between them on that occasion.

Mr. McGohey: Well, let's see what he has to say.

Daniel Boone Schirmer—for Defendants—Direct

The Court: You see, this is between the witness—

Mr. McGohey: I will wait until the question is asked. I may have an objection.

The Witness: Am I to proceed?

The Court: I think we are both waiting for Mr. Crockett now.

Mr. Crockett: That is right. Will you pardon me for one second, please?

The Court: He is thinking now.

Q. Can you tell us what this discussion was between (T-10,028) you and Mr. Hood concerning the policy of the Party and the training of teachers with reference to the policy of the Party?

Mr. McGohey: Objection, your Honor, to any discussion that he had in August of 1948.

The Court: That is what the question is intended to refer to and the witness will take it as such.

Mr. McGohey: If the Court please, I object to any conversation—

The Court: Oh, that is after the period.

Mr. Crockett: I withdraw the question.

Mr. McGohey: The original period that the witness fixed was the fall of 1946 down to July 20th of 1948.

The Court: Yes, I will sustain the objection. Maybe he can think of another occasion and I think we will take a little recess now.

(To the witness) Now you can be thinking. The period of the indictment was July 20, 1948, and the occasion you gave us was after that. So maybe you can think of an occasion prior to that while we have the recess.

(Short recess.)

(T-10,029) *By Mr. Crockett:*

Q. I believe at the time of the recess, Mr. Schirmer, you were trying to recall an occasion when you discussed with someone the matter of taking up the policy of the

Daniel Boone Schirmer—for Defendants—Direct

Communist Party and the conduct of the discussion of groups in the clubs and so forth, is that right? A. Yes.

Q. Can you recall anyone with whom you had such a discussion during the period from your return from the Army down to July 20, 1948, the date of the indictment? A. Yes.

Q. Will you tell us who it was, when it was, where it was and in what connection it was? A. It was in March 1947.

* * *

A. (Continuing) In the state office of the Communist Party at 80 Boylston Street, Boston, and it was with Frances Smith.

* * *

Q. Speak up. A. Excuse me. It was with Frances Smith, in the state office of the Communist Party.

* * *

(T-10,030) Q. Is Frances Smith the person who worked with you or with whom you worked in the preparation of Defendants' Exhibit GG, the study outline on prosperity and depression in capitalist society? A. Yes, her name is so written in the last page.

* * *

Mr. Crockett: The last page of this exhibit, ladies and gentlemen of the jury, reads, "Material in this outline prepared by Frances Smith."

Q. Now will you tell us what your discussion was with her concerning the policy of the Communist Party?

Mr. McGohey: I object.

The Court: Was she one of the persons to whom you were, one might say, giving directions at that time in your capacity as Educational Director?

The Witness: She wanted to lead a discussion in her club and came to me for advice.

The Court: Very well. I will allow it.

Q. (Continuing) Will you tell us what you said to her? A. The subject on which she wanted to lead the

Daniel Boone Schirmer—for Defendants—Direct

discussion was the material which we had been working on, the question of an economic crisis in this country.

(T-10,031) Mr. McGohey: May we have the name of the club that the lady was going to talk to?

The Court: Do you remember that, Mr. Schirmer?

The Witness: I believe it was the West End Club.

The Court: Go right ahead.

A. (Continuing) We were—as I say, she wanted to lead a discussion on the material, and we went over the points that she was going to bring out.

The Court: On the economic crisis?

The Witness: That is right.

A. (Continuing) And we developed the point that a crisis would come inevitably in this country; that signs were accumulating for it; and I remember especially we spoke of how we would have to explain to the Party members the need of developing a program for the people, to help them meet the crisis and to prepare themselves so that their conditions would be worsened to the least degree possible by the crisis.

I remember, because, as we saw it—as I said—at that time the big monopolists would try to throw the burden of the crisis on the working people, and I remember we especially developed—I especially developed the point with her that the Negro people would be the first to suffer in the crisis and that—because they were first fired and last hired, and that we Communists should fight (T-10,032)—should work, that is to say, for the maintenance of jobs for the Negro people in industry.

I remember those are some of the points we took up together.

Q. Does that exhaust your recollection on your discussion with Frances Smith? A. Well, we went over that she would—the general way in which she would present it, the opening discussion, and then lead into questions and general discussion following her remarks. We discussed the procedure that she would follow as well.

Daniel Boone Schirmer—for Defendants—Direct

Q. Did you discuss with her how policy is formed in the Communist Party?

(Witness pauses.)

Q. You have no present recollection—

Mr. McGohey: Wait a minute.

The Court: He can take all the time he wants.

Mr. Crockett: Thank you, your Honor.

The Court: There is nothing wrong in thinking before answering; it is much better.

A. Well, I believe that the answer—that I did, yes, especially in so far as it relates to developing of a program to meet the needs of the people. We spoke of the pamphlet and the discussion of the question of depression as part of the desire—I will put it this way, we spoke of (T-10,033) this present discussion that she was going to lead on depression and the need for a Communist program as to the means by which we would acquaint the membership of this club with the possibility of a crisis and the need for a Communist program to meet the crisis, so that I think we could say yes, that it discussed the question of formulating policy in so far as it had to do with acquainting the membership with the conditions in the country and the needs of the people and the needs of a program to meeting the people's needs.

Q. Now in your capacity as supervisor of the educational work of the Party from November 1946 down to July 20 of 1948, did you make it your business to keep abreast of what was being discussed in these clubs, to know what was being discussed?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you receive—

The Court: Did you continue to receive reports from your subordinates, as you told me a little earlier, as you had previously done?

The Witness: I did so.

Colloquy of Court and Counsel

Q. Now I call your attention, Mr. Schirmer, to page 2839 of the record—

* * *

(T-10,034) Q. —where the witness Philbrick testified concerning a meeting or class which he says was held in Cambridge, in February of 1948, at the home of someone whom he calls Peg, and he further stated that the class at this meeting was led by someone whom he called Martha.

* * *

Q. (Continuing) And I believe he also stated that at this meeting there was a discussion of the possibility or feasibility of turning a war into a civil war through the medium of civil disobedience, and he testified that Martha said, and I quote, "that we must arm the workers for the struggle against the capitalists."

The Court: Now is this the meeting at Martha's apartment in February of 1948?

Mr. Crockett: This is the meeting at Peg's.

The Court: What is that?

Mr. Crockett: This is the meeting at Peg's (T-10,035) home.

The Court: At Peg's home?

Mr. Crockett: Yes.

The Court: Just let me glance at my notes.

Mr. McGohey: I think you are mistaken on that, Mr. Crockett.

Mr. Crockett: Is this the one at Martha's? Page 2838.

The Court: Yes. Mr. Borman, will you get that for me.

The Clerk: Surely. (Handing record to the Court.)

The Court: That is in February 1948 also?

Mr. Crockett: That is my understanding, your Honor.

The Court: What is that?

Mr. Crockett: That is my understanding, that it was February 1948.

The Court: And Martha led the meeting?

Colloquy of Court and Counsel

Mr. Crockett: That Martha was present and made a statement at the meeting.

The Court: Well, maybe this part of my notes has reference to a different occasion.

Mr. McGohey: No, I think not, your Honor.

The Court: What is that?

(T-10,036) Mr. McGohey: On page 2839, if I may point out the answer—"Q. Now do you recall any of the meetings of five people that you attended? A. Yes, sir.

"Q. Do you remember when they took place? A. I recall a meeting in February—well, I will say at this time I believe it was in February, of 1948, at the apartment of the member whose name was Martha."

The Court: Well, I guess my notes were about right, then.

Mr. McGohey: And then down a couple of questions:

"Q. Do you remember who led the class? A. In this particular instance the one that I recall was the one which Martha led."

The Court: Well, Mr. Crockett, that is exactly what I have in my notes here.

Mr. Crockett: Yes, your Honor. Confusion stems from the fact that he testified to about two meetings held in the month of February—is that right, Mr. McGohey, February 1948?

The Court: But on the very page—

Mr. Crockett: The one on 2838 refers to a meeting at the home of a person named Peg.

The Court: Yes, but you referred to page 2839, and I put it right down because I keep careful track of what is going on.

(T-10,037) Mr. Crockett: And then Mr. McGohey—perhaps your Honor did not hear him—calls my attention that Peg's name is on page 2838.

The Court: Well the fact is that the first page you mentioned yourself, page 2839.

Mr. Crockett: That is correct.

Colloquy of Court and Counsel

The Court: And on that page 2839 there is a reference to precisely what I said, which you seem to deny, namely, that it had to do with a meeting in February 1948 at Martha's apartment where Martha led the meeting.

Mr. Crockett: I said in February 1948—

The Court: I do not quite understand why you said "No" when I mentioned that.

Mr. Crockett: Well, we won't argue about that.

The Court: Well, it appears that my notes were correct, and that is the instance you are directing the attention of the witness to.

Mr. Crockett: And directing the attention of the witness to this series of meetings in which Martha figured, according to Philbrick's testimony.

The Court: Well, I think the important thing is to find out if there was a meeting referred to by Mr. Philbrick at which this witness was present, and then we can go on from there. I thought that is what you were doing.

(T-10,038) Mr. Crockett: Well, suppose I leave that for the present until I get the particular page.

The Court: Well, that sounds crazy. You always seem to do that. The minute we begin to clear something up someone says "Let us drop it and go to something different."

Mr. Crockett: Well, I have no objection; I will go right on. I am dealing with Martha who figured in Philbrick's testimony, and I think later on he identified her as being a Martha Fletcher who lived on Beacon Hill in Boston.

The Court: Well—

Mr. Crockett: And at page 3185—

The Court: Well, if you desire to drop the subject and turn to something else I certainly will not prevent you from doing that, so I will not stop you.

Mr. Gladstein: I didn't hear your Honor's remark. Did your Honor use the word "crazy"?

The Court: I thought it was kind of crazy, to begin to go into a subject and then drop it. I think that was kind of amazing. Maybe you could use a little different word.

Colloquy of Court and Counsel

Mr. Gladstein: I think your Honor's remarks are quite objectionable.

The Court: Well, every time you get back to (T-10,039) court you find something objectionable, you proceed to object, and that is perfectly all right.

Mr. Gladstein: Because every time I get back to court your Honor makes objectionable remarks.

The Court: I will repeat, Mr. Gladstein, for your personal benefit, that this constant business which we have, which for the last few weeks, fortunately, in your absence, has been missing, of getting into something and then the minute you begin to get somewhere with it drop it and go to something else, I have always thought it was a little curious, and I used the word "crazy" not to indicate absolute insanity but something curious and out of the ordinary. So now let us leave that issue and get on to work.

Mr. Gladstein: Not until the record shows I make my objection to the Court's remarks and the explanation thereof still does not take away the effect of those remarks which are improper. I think they constitute misconduct.

The Court: Well, you mean judicial misconduct?

Mr. Gladstein: Oh, of course.

The Court: That is what I thought. Your objection is noted.

Mr. Gladstein: All of my statements in the course of this trial, when I had asked the Court to (T-10,040) assign remarks it has made as misconduct were intended—

The Court: Well, I suppose I should realize that you are talking back, and I suppose it better if I remain quiet. You are just trying to bait me on to some kind of remark and I should have realized it in the beginning, so please sit down and let us get on to something else.

Mr. Gladstein: I do so but let the record show that the last remarks that the Court makes are misconduct.

The Court: Yes.

Daniel Boone Schirmer—for Defendants—Direct

Mr. Gladstein: And I ask your Honor to admonish the jury to disregard it.

The Court: I do.

Ladies and gentlemen of the jury, disregard this little passage here. It has no significance whatsoever, no bearing on the case, and put it out of your minds.

By Mr. Crockett:

Q. Now at page 3185 of the record, Mr. Schirmer—

Mr. Crockett: You will find the matter that I am referring to, Mr. McGohey, at the top of page 3185.

Mr. McGohey: Thank you.

Q. —the following was testified to by the witness Philbrick with respect to Martha Fletcher:

“The subject under discussion that evening (T-10,041) concerned itself with, as I say, the two kinds of wars, and Martha Fletcher told us and taught us at that lesson, at that educational session that evening that there are two kinds of wars according to Marxism-Leninism. There are such a thing as a just war, in other words, that the Communist Party is not against warfare but there is such a thing as a just war and there is such a thing as an unjust war, and as a—as a—pointing out as to the unjust war, a war between the United States and Soviet Russia was pointed out to us and mentioned specifically as an unjust war—yes?”

And then the Court said “Go ahead.”

And the witness said “I thought he was going to ask a question.”

And then the Court said “No.”

And the witness, continuing, said:

“And in such an instance it was the duty of the Communist Party to fight against such an unjust war which that evening she described would be an imperialist war on the part of the United States, and

Daniel Boone Schirmer—for Defendants—Direct

this section was referred to in pointing out the imperialist war should be converted into a civil war."

And I ask you—

* * *

(T-10,042) The Court: 3185. All right, go ahead.

Q. (Continuing) And I ask you if you know Martha Fletcher who is referred to here? A. I do.

Q. Have you at any time given any instructions or directions or suggestions to Martha Fletcher that the Communist Party was committed to any policy of turning any civil war—turning any war into a civil war in the United States?

Mr. McGohey: Objection.

The Court: I will allow it.

A. I have not.

Q. Was Martha Fletcher an official of the Communist Party? A. She was not.

The Court: Did you say "she is not" or "she was not"?

The Witness: I said "she was not."

(T-10,043) Q. Now, Mr. Schirmer, I call your attention to page 3188 of the testimony of the witness Philbrick where he states:

"Martha Fletcher in her course that evening quoted from page 167, as follows: She mentioned the subject, she quoted the phrase, 'Converting the Imperialist War into a Civil War,' and she quoted the phrase that the Bolsheviks advanced, the policy of the defeat of one's own government in the Imperialist war, and she said that that program in the United States would involve one of civil disobedience.

"Q. In the event of a war between the United States and the Soviet Union? A. That is true."

And I ask you if you or if any other official of the Communist Party to your knowledge at any time gave any