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*Excerpts From Government's Exhibit 178-A,
Read into Record*

At this point the army of the classes becomes the army of the masses, the machine refuses to do the work, militarism goes under in the dialectic of its own development.' "

Ending quotation from Engels.

"How true this is of today! How well it fits into the present armament race of the imperialist powers and to the increasing attempt of the bourgeoisie to militarize the young generation.

"Lenin constantly emphasized the fact that:

'War is a continuation of politics by other means'. He ridiculed the slogan of, 'Defense of the fatherland' for the proletariat in a capitalist country. He insisted that the first test of internationalism was the struggle against 'your own' bourgeoisie—for defeat of your own ruling class. He told the (T-9077) workers when war starts, to 'Turn imperialist war into civil war.'

"Today, when the whole world is so close to another imperialist war, these teachings of Lenin and Liebknecht must especially be brought to the American young workers. We must remember the words of Lenin that imperialist war must be fought before war actually starts. Especially must we reach the youth in the armed forces, forced-labor camps and factories with our anti-war activity. In the words of Liebknecht: 'Anti-militarism is the battle cry of the international youth movement today and in the future more than ever.' "

Now, the last part of Mr. Green's text:

"It is with this understanding that we must proceed to apply the principles of Leninism in the struggle for winning the majority of the proletarian youth for the revolutionary overthrow of American capitalism and for a Soviet America."

Do you desire to read from the exhibit?

Mr. Isserman: If the Court please, absent conference with the defendant, I waive reading it at this point.

Gilbert Green—Defendant—Cross

The Court: Very well.

Mr. McGohey: Mark this, please.

(Marked Government's Exhibit 179 for identification.)

(T-9078) Mr. McGohey: Your Honor, I would like to indicate the pages of that exhibit for identification that I intend to inquire about (indicating).

There is just one other part that I would like to indicate to your Honor (indicating).

Q. Mr. Green, I show you this pamphlet, Government's Exhibit 179 for identification, entitled "Who Are the Young Communists?" and I ask you if that wasn't published for the Young Communist League by the Workers Library Publishers?

Mr. Gladstein: May we know the year, please?

Mr. McGohey: In late 1931 or '32.

Mr. Gladstein: If your Honor please, I object to this. I object to it at the outset because this can obviously have no purpose in this trial—

The Court: Like the last exhibit?

Mr. Gladstein: Well, your Honor—the last exhibit is a conversion of the charge, so that what Mr. Green is being tried on is on a 1940 law; he is being tried in 1949 for something that they put in evidence that he wrote in 1935.

The Court: I say, is it as irrelevant as the last exhibit?

Mr. Gladstein: Well, it is even more so, indeed it is.

(T-9079) The Court: It did not look that way to me. What is your specific objection?

Mr. Gladstein: My specific objection is that at the outset no question should be asked concerning a document written in 1931 because that is outside the scope of the issues, and if it is admitted here it has the effect of turning the case into a trial on the basis of what a man may have said 20, almost 20 years ago.

The Court: May have said?

Gilbert Green—Defendant—Cross

Mr. Gladstein: Let us say that he did say.

The Court: Let us say that he did say? He did say it.

Mr. Gladstein: I say then he did say it.

The Court: Why talk about he may have said it?

Mr. Gladstein: But that is not what he is charged with. He is not charged with what he said or wrote 20 years ago.

The Court: Your objection to this question is overruled. The question is whether that was published in 1931 or 1932. I will overrule your objection to that question.

A. I don't see any date here as to when it was published.

Q. Well, let me call your attention to a sentence which appears on page 8 (indicating), to see if that (T-9080) refreshes your recollection as to the time when it was published. A. It wouldn't refresh my recollection as to the time it was published.

Q. Well, would it— A. I do recall the pamphlet.

The Court: Was it published before the first election of Roosevelt as President?

The Witness: (After examining.) I assume it was because the only quotations in here are from—the last quotations are from 1931, so I assume it was.

The Court: Yes, it looks that way.

The Witness: Anyway, it is a pamphlet that was written about 19 years ago and represents the point of view of that time.

Q. The point of view of the Young Communist League, does it not? A. I don't know whether it represents the official point of view but whoever wrote this tried to present the point of view as he understood it and in that sense—

Q. And was it published for the Young Communist League by the Workers Publishers? A. Yes, it was published for the Young Communist League and represents the point of view of 19 years ago which is not the point of view today.

Q. Was it at the time it was published?

Colloquy of Court and Counsel

Mr. Gladstein: It has already been asked and answered.

(T-9081) The Court: I think he said it was.

A. I assume it was.

Q. And were you an official of the Young Communist League? A. I was.

Mr. McGahey: I offer it in evidence—I offer in evidence not all of it, your Honor; I offer page 20 to 21.

The Court: You better mark the places so they can be identified.

Mr. McGahey: I am going to mark it.

Mr. Gladstein: Before examining the offered exhibit may I preliminarily inquire on what theory—

The Court: I don't think I want to hear any argument on this, Mr. Gladstein.

Mr. Gladstein: No, I don't want to argue. I wonder if the Court will ask Mr. McGahey now how something which was not even written by Mr. Green but was put out by the Young Communist League 20 years ago can possibly relate to the charge in 1945.

The Court: I can answer as to my own view of part of that. One of the issues here is the issue of intent. A person who over the years had the view of force and violence in one form or another I would think it very material as to that. I don't want to go into that in greater detail.

(T-9082) Mr. Gladstein: On that theory this document does not purport to be created by any of the defendants and even on the last exhibit which Mr. Green wrote how in the world it bears on the question of an individual's intent, on Mr. Thompson's or Mr. Hall's intent or somebody else's intent I can't understand. This other exhibit is something that Mr. Green said twenty years ago.

The Court: Mr. Gladstein, you are not a novice and you must know that when several defendants are being tried together, and one is being examined, that it is not the custom as to each point that is brought up to specify whether it is being offered as

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to one or another. It is part of cross-examination, which in one way or another may affect the credibility of the witness. The time to have the jury instructed on those matters is at the close of the case. I made that plain to you a minute ago. You may submit if the occasion should arise an appropriate request to charge and if it is in proper form I shall grant it. There is nothing unusual about this sort of thing at all.

Mr. McGohey: If the Court please, in connection with the colloquy which has just occurred I should like to call your Honor's attention to page 8879 where this witness on direct examination testified as to these policies way back in the very period covered by the (T-9083) exhibit I have offered.

Mr. Isserman: And there is nothing contradictory about it and that is one reason I have objected as not proper cross-examination at all.

The Court: I have my notes before me.

Mr. McGohey: Your Honor recalls that this exhibit is about 15—

The Court: About 25 lines.

Mr. McGohey: I didn't think it was that much. Not more than 25.

The Court: I understand. But when it gets to Mr. Crockett and Mr. Gladstein, they like to study it over.

Mr. Crockett: Your Honor, I always try to try a case in that manner.

The Court: Yes. Sometimes I think perhaps you take a little longer reading these exhibits than is necessary, but I am not sure.

Mr. Crockett: Well, I cannot understand how you can take 25 lines out of context in a pamphlet that contains something like 23 pages and expect me to object or to consent to its admission without reading the other portions.

The Court: That is just another little mark against you, Mr. Crockett.

(T-9084) Mr. Isserman: I might say—

The Court: I have commented on the time that is necessary to read these exhibits, and I do it in

Colloquy of Court and Counsel

perfectly good faith and no amount of imputation of evil motives to me and dishonorable conduct will cause me to get excited.

Mr. Isserman: I might say—

The Court: Oh, I got what Mr. Crockett—

Mr. Crockett: I want the record to indicate that I haven't asserted any dishonorable conduct on the part of the Court. You rather indicated it took me a long time—

The Court: You rather plainly intimated that I rule without reading the exhibits. I thought I got that little innuendo.

Mr. Crockett: When was that, your Honor?

The Court: Well, about 25 seconds ago.

Mr. Crockett: I did not. Instead, I said that I could not understand the exhibit without reading all of it.

The Court: Yes.

Mr. Crockett: I made no remark about your Honor's reading of it.

The Court: I think I am quick to catch sarcasm.

Mr. Crockett: There was no sarcasm on my part. (T-9085) I am anxious to have the record point that out.

The Court: Yes, you may have the record point it out. Every word that is said gets down in the record and stays there.

Mr. Isserman: I might say—

The Court: Have you quite finished reading those few words?

Mr. Isserman: I might say, if the Court please, that when 25 lines are offered I feel it my obligation to examine the entire text of something with which I am not familiar, and that is why it takes some time.

The Court: Nobody has prevented you from doing that but I must say, though, the thought has occurred to me, occasionally, that excessively long times are taken passing offered exhibits. I remember the time when those membership cards were put in and on one occasion something like 40 minutes was taken just passing the card from one to another,

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turning it over, I have eyes here, and I just suggest that while it is quite proper for you and your colleagues to take all the time necessary to read a paper that is offered in evidence, when you have finished reading it, you should state your position on it and let us go on.

Mr. Isserman: I might say that my recollection is that the longest time taken to read exhibits have been the defense exhibits that have been offered, where Mr. (T-9086) McGohey time and again took all the time he needed without any comment from the Court. The Court is suggesting—

The Court: There seems to be a good deal of difference between a little 25-line paper, or a membership card, that can be turned over and glanced at in a moment, and a book or pamphlet of some 25 or 30 pages.

Mr. Isserman: This is a 23-page pamphlet, if the Court please.

The Court: Yes.

Mr. Isserman: I would like—

The Court: The offer is a very short offer, but I am going to let you take all the time you want. I don't want you to be misunderstanding as to my intent at all.

Mr. Isserman: I believe the latter portion of your Honor's remarks are uncalled for and I must object.

The Court: That is all right, I am used to it.

Mr. Isserman: May I state my objection in general, that I object on the same grounds as previously urged—

The Court: Yes.

Mr. Isserman: —except I have two additional grounds which I would like to state.

The Court: Yes, you can give the two additional grounds.

(T-9087) Mr. Isserman: The additional grounds are that this exhibit does not represent the teaching or advocacy of any defendant in the indictment period, that it antedates the law under which the indictment was laid, and it wasn't written by the de-

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fendant, and I object also to the partial offer of 25 lines of a 23-page pamphlet.

The Court: Well, have you something to add, Mr. Gladstein?

Mr. Gladstein: Yes, I rose before Mr. Isserman commenced to make his objection for the purpose of objecting to the Court's remarks during the last exchange between the Court and Mr. Crockett and between the Court and Mr. Isserman upon the ground, and I assign it as such, that the Court has been guilty of prejudicial misconduct in the manner and content of the exchange and in certain—in particular with respect to certain statements, and I want especially to note that at no time in this trial while I was ever here were any 40 minutes or anything approaching 40 minutes consumed by defense counsel in the examination of a membership book or card.

The Court: The idea of any delay never penetrated your mind from the beginning, I take it.

Mr. Gladstein: I assign that remark also, your Honor, as misconduct, particularly the sarcastic manner (T-9088) in which it is directed toward me, and I point out that this is taking place in the presence of the jury. I deem it highly improper and damaging and prejudicial, and I assign the conduct and remarks of the Court as prejudicial, and I ask the Court to instruct the jury now to disregard what your Honor has been saying.

The Court: Well, I cannot see that there is any point in their paying much attention to it.

Ladies and gentlemen of the jury, I do tell you, pay no attention to this little exchange. It has got nothing to do with the case at all.

Now, Mr. McGohey, just read the exhibit and then we will take our recess.

Mr. McGohey: Has your Honor ruled on its admissibility?

The Court: Yes, I will overrule the objection and allow it in evidence.

(Marked Government's Exhibit 179-A in evidence.)

*Excerpts From Government's Exhibit 179-A,
Read into Record*

The Court: For Mr. Crockett's benefit I will say I read it when it was marked for identification.

Mr. McGohey: Yes. I point out to your Honor and you, ladies and gentlemen of the jury, the exhibit begins on page 20 of Exhibit 179 for identification under the heading "Fight bosses' war."

"The Young Communist League is the organization (T-9089) of young workers that leads their fight against the danger of another bosses' war and for the defense of the Soviet Union. The Young Communist League is not a pacifist organization. It organizes and mobilizes the young workers to fight against war before war has started. It also fights for the immediate needs of the soldiers and sailors, and calls upon these young workers in the armed forces to unite with the rest of the workers.

"The Young Communist League while fighting against war, realizes that wars are part of the present capitalist system, and cannot be abolished without the overthrow of capitalism. It teaches the young workers that when war"—

and this is in bold type—

"when war is declared, they must turn their guns against their only enemy, the boss class."

That ends the exhibit and the bold faced type.

* * *

(Short recess.)

* * *

(T-9090) Q. Mr. Gates—Mr. Green, rather, on your direct examination you testified that the—in touching—

Mr. Isserman: May I have the page number, Mr. McGohey?

Mr. McGohey: 8813.

Mr. Isserman: 8813?

Mr. McGohey: Yes.

Gilbert Green—Defendant—Cross

Q. —that in one of your classes you discussed the Truman Administration and that you said that the Truman Administration, by betraying the policies of the Roosevelt Administration, had increased the danger of fascism in this country; that is correct, isn't it? A. I would like to see the exact quotation, if I may.

* * *

Mr. McGohey: "In connection"—
—reading from page 8813, Green on direct examination—

"In connection with this, the question arose of our attitude towards the Truman Administration, and I made clear that we do not consider this Truman Administration as a fascist administration, it's a (T-9091) bourgeois democratic administration, but that the Truman Administration, by betraying the policies of the Roosevelt Administration, by replacing the type of men that Roosevelt had in his cabinet with men from the Wall Street banking houses and with brass hats who were generals in the war, was weakening democracy in this country, was thereby making constant concessions and retreats to the interests of finance capital, and thereby paving the way for a growth of reaction and for an increased danger of fascism in this country."

The Witness: I said that.

Q. Now that is practically what you and the National Committee of the Young Communist League said about President Roosevelt some years ago, wasn't it?

Mr. Isserman: I object to that question.

A. In the early period—

The Court: I will overrule the objection. I was thinking for a moment, Mr. Green, but I will overrule the objection. You may answer.

Mr. Isserman: I wish to point out that neither the time nor place nor circumstances are being fixed.

Colloquy of Court and Counsel

Q. Well, particularly in 1934, didn't the National Committee of the Young Communist League say almost exactly the same thing about the Roosevelt Administration?

(T-9092) Mr. Isserman: I object to that question.

The Court: Overruled.

A. In the early period of the Roosevelt Administration we did very sharply criticize it at the time when men such as Hugh Johnson and others were helping to determine the policies of it, but when the New Deal developed further and developed in a progressive direction, we supported it and the Truman—

The Court: Yes, but the question is, didn't you say just about the same thing about the Roosevelt Administration? The answer is "yes" or "no" or "I don't remember."

Now which is it?

Mr. Crockett: I object to the Court's insistence that the witness give a "yes" or "no" answer or "I don't remember."

The Court: If I could ever do that with this witness, Mr. Crockett, I would have to be a magician.

Mr. Gladstein: I assign that remark as misconduct and I ask your Honor to advise the jury to disregard it.

The Court: Why, he goes on and on. You cannot get him to make even a brief answer. Now what is the use of making a fuss about that? I tried to get him to be responsive in his answers, and that is all I am trying to do now.

(T-9093) Mr. Gladstein: Well, I assign the further remarks of the Court just now made as misconduct and insist on the Court ruling on my request to admonish the jury to disregard what the Court has said. The Court has made a comment and a characterization on the witness, a defendant in this case, while he is on the witness stand, and the Court is invading the province of the jury in assessing the weight, value and credibility of the witness himself.

Colloquy of Court and Counsel

The Court: That is a very broad statement and I didn't realize I was doing all that.

Mr. Gladstein: I not only think your Honor did it now but throughout the course of the trial. I assign such remarks as misconduct.

The Court: You can't build me up into somebody that is trying to be unfair all the time. You can try all you want, but nobody who sits in this trial can possibly believe that. You may harp on that old chord as much as you want.

Mr. Gladstein: Your Honor tempts me strongly when you say nobody who sits in this trial can have opinions on that. However, to keep it on a purely professional level—

Mr. McGohey: Should it be on any other?

Mr. Gladstein: No, it should not. I ask that the Court make a ruling on my objection to the (T-9094) Court's remarks concerning this witness and the Court's remarks just before that, and I ask that the jury be admonished to disregard what your Honor said.

The Court: Motion denied.

Now let's see if we can get an answer to the question. Strike out that long answer that he made and put that question to him again if you can find it, Mr. Reporter.

Mr. Isserman: I would like to object to the Court's striking out the answer.

The Court: Objection overruled.

(Record read.)

Mr. Isserman: I want to object to the Court's question as being vague and indefinite and argumentative.

The Court: If you fellows keep it up we will all forget what we were doing, so you better read it anew and we will all take a fresh start—that part of the testimony dealing with what he said about the Truman Administration—

(To witness) Or do you remember it, Mr. Green?

Colloquy of Court and Counsel

The Witness: I remember it.

The Court: He says he remembers it. Maybe you don't need to read it. He says he remembers it, so put a new question to him.

Q. Now I say, didn't the Young Communist League of which (T-9095) you were a member in 1934 say almost the same thing about the Roosevelt Administration?

Mr. Isserman: I object to that question.

The Court: Overruled.

A. It may have at that particular time. I am on trial for my views since 1945.

Mr. Gordon (To Mr. McGohey): He said he is on trial for his views since 1945. He has given his views.

(Government's Exhibit 180 marked for identification.)

Mr. McGohey: Could I have the last comment of the witness read?

The Court: Yes.

(Record read.)

The Court: You realize, Mr. Green, this part that Mr. McGohey read was your own testimony on direct examination? Remember that?

The Witness: About the Truman Administration?

The Court: Yes.

The Witness: It certainly was. What has that got to do with what I believed in 1934 with regard to some aspects of the Roosevelt Administration?

The Court: You see, it might bear on the questions involved here.

Mr. McGohey: May I remind the Court the witness has (T-9096) testified what he said and did and taught and what the Young Communist League did and taught in 1929 and all the way through.

Mr. Isserman: I object to Mr. McGohey's statement and ask that it be stricken because many things he wanted to testify on he wasn't allowed to in 1938.

Colloquy of Court and Counsel

Mr. McGohey: Does your Honor desire me to—
The Court: No, no.

Mr. McGohey: Does your Honor desire me to point out the particular parts I intend to refer to?
Mr. Gladstein: May I point out something else?

The Court: We are getting back to where we were a month or two ago. I don't want that business to get a real good start because it pretty nearly got me out of business the last time, and I don't want to go through that again. Now I have had enough of an ordeal on this trial without you men getting up and badgering me the way you have been doing. You have just got to stop it. We have had a fairly quiet time this last week. I hope you will stop this business and let me pay attention to what Mr. McGohey is showing me.

Mr. McGohey: I beg your pardon. It starts at the bottom of page 5 and goes down to page 6.

The Court: You just wait a minute, Mr. Gladstein.

Mr. Gladstein: I will, your Honor, yes.

(T-9097) The Court: Very well, Mr. McGohey. Now what have you to say, Mr. Gladstein?

Mr. Gladstein: Well, your Honor, first I must take exception to the Court's statement that I rose to badger the Court,—

The Court: Well, you have done plenty of it.

Mr. Gladstein: —which I didn't do. I rose to make an objection.

The Court: You see, you do all the badgering and calling of names and you think the Judge is supposed to sit back quietly and not defend himself. I am not going to do it. I am not going to be pictured in this courtroom and throughout the nation as being somebody who is partial and interested in doing the wrong thing from morning to night. I don't want to do anything that is improper. I know I am doing my best to give these defendants a fair trial and I am not going to permit you to make these charges without my defending myself.

Mr. Gladstein: If the Court feels it needs to defend itself when I make a legal objection—

Gilbert Green—Defendant—Cross

The Court: It hasn't sounded to me like legal objections.

Mr. Gladstein: I wanted to point out that Mr. McGohey was in error in seeking to have your Honor rule to the effect that this kind of document would be (T-9098) admissible because it tended in any way to show the state of mind of a particular defendant for at least the following, among other reasons: that is to say, that this document does not purport to be authored by the witness on the stand.

The Court: You keep on arguing, the whole situation gets confused, everybody forgets what we started to talk about, and there we are. I am ruling on offers of evidence as they come along and I do not desire to hear any further argument on the offer that is about to be made.

Mr. Gladstein: On the Court's ruling I object.

The Court: You reluctantly sit down.

Mr. Isserman: I would like to note an objection to the Court's remarks about ordeals and being put out of business and so on.

The Court: Yes.

By Mr. McGohey:

Q. Now, Mr. Green, I show you Government's Exhibit 180 for identification and I ask you if that pamphlet entitled "A Program for American Youth" doesn't contain the Manifesto of the Seventh National Convention of the Young Communist League of the United States of America? A. It does.

Q. And you were the National Secretary of the Young Communist League, were you not, in 1934? A. I was.

(T-9099) Q. And you were also a member of the National Committee of the Young Communist League at that time, were you not? A. I was.

Mr. McGohey: Now if the Court please, I offer in evidence pages 3 to 7.

Mr. Isserman: Is that inclusive?

Mr. McGohey: Yes.

Q. Wasn't this "Call to Youth" put out by the National Committee of the Young Communist League at this

Gilbert Green—Defendant—Cross

convention in 1934? A. I would like to see that. I don't know what you are referring to.

Mr. Isserman: I object.

Q. I beg your pardon. Pages 3 to 7 (handing to witness).

Mr. Isserman: I have objected to that.

The Court: Overruled.

A. It is signed by the National Committee of the Young Communist League.

Q. It was put out by them, wasn't it? A. What? I am sorry.

Q. It was put out by the National Committee of the Young Communist League, was it not? A. It is signed by the National Committee, yes.

Q. You were a member of it, weren't you? A. I have already said I was.

(T-9100) Q. Well, I ask you didn't you and your associates of the Young Communist League put out that pamphlet in connection with the convention in 1934? I direct your attention to the cover of the pamphlet. A. These are the resolutions adopted by the National Convention.

Q. Resolutions and what else? A. And manifesto.

Q. Now isn't this the manifesto beginning on page 3 and running through page 7 and bearing the title "National Committee, Young Communist League, USA" at the end of it? A. I think it is.

Q. Well, is it? A. Don't shout at me. It appears to be, yes.

Mr. McGohey: I offer in evidence pages 3 to 7.

Mr. Isserman: If the Court please, may I proceed?

The Court: Certainly.

Mr. Isserman: I object to this exhibit on the grounds urged in connection with Exhibits 178 and 179 and on the additional grounds that the Exhibit 7 x E for identification and Exhibit 7 x D for identification, which were resolutions of the Communist Party conventions in 1936 and 1938 were excluded by this Court. This is a 1934 publication.

*Excerpts From Government's Exhibit 180-A,
Read into Record*

Mr. Gladstein: May I add that this program is not even of the Communist Party; it is another (T-9101) organization entirely. I want the record to show without arguing in respect to the defendants other than the one on the stand, the defendants whom I represent, that I object.

The Court: Why 7 x E and 7 x F for identification were offered on the direct examination of this witness.

Mr. Isserman: That is correct.

The Court: I will overrule the objection.

(Marked Government's Exhibit 180-A in evidence.)

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

The Court: Just let me get this down. That is pages 3 to 7, Mr. Borman?

The Clerk: Yes, your Honor.

The Court: 180-A. Very well, Mr. McGohey.

Mr. McGohey: I begin reading from the last paragraph on page 4. This paragraph has above it in bold face type this legend:

“Roosevelt on Way to Fascism and War.”

“The capitalist system in the U.S. is cracking. The capitalists are trying to save the life of their dying system by desperately grabbing at their last straw—Fascism. Fascism is the most openly terroristic capitalist dictatorship. Fascism means that the capitalists cannot any longer rule (T-9102) with their laws, congresses, courts, and constitution—because the workers have seen through their ‘democracy.’ ”—

and “democracy” is in quotes.

“So the capitalists come out from under their ‘democratic’ disguise and begin to use open force and violence as a means of holding back the masses who are becoming more conscious of their organized power.

*Excerpts From Government's Exhibit 180-A,
Read into Record*

"The workers are losing confidence in the N.R.A. and Roosevelt. They are taking things into their own hands. They are striking throughout the United States—demanding their right to live as human beings. The Roosevelt government replies with growing fascist attacks, bullets, machine guns, and murders of peacefully picketing strikers. Hundreds of workers were shot in San Francisco general strike, in Toledo, Milwaukee, Alabama, Minneapolis and elsewhere; hundreds arrested; dozens killed. All this is done by a 'democratically elected' capitalist government.

"Is there any real difference between these murderous attacks of 'the democratically elected' Roosevelt government and the dictatorial fascist Hitler government? Is it not clear to us young people of America that all the worst (T-9103) features of the fascist way of ruling the masses is unfolding itself within the Roosevelt government itself?"

Then the next heading is, "Fascism No Way Out for Youth."

"But fascism is not the way out for the youth nor the working class as a whole. Fascism cannot give the youth jobs, peace and freedom. Fascism in Germany, Austria, Hungary, Italy and Poland shows what the youth in America can expect if they do not organize to beat back advancing fascism.

(T-9104) "Wherever fascism forces itself into power—we see increasing misery for the workers, more unemployment, less relief, more militarism. It is the youth that always suffers the most from war and fascism. Fascism makes attractive sugar-coated promises to bait the youth—then when Fascism is in power, it cannot even give them jobs. Youth of America—do not let the false promises of Fascism trap you as it did the youth in Germany! Join with the revolutionary movement against Fascism and War!"

*Excerpts From Government's Exhibit 180-A,
Read into Record*

"Roosevelt has also promised the youth many things. But he did not carry out his promises. Where are the promised jobs, the unemployment insurance, higher wages and end of child labor which Roosevelt promised? Instead employed workers have wage-cuts and inflationary price-increases. The jobless have forced labor and transient homeless camps. The bankers and the 'money-changers'—which he promised to 'drive out of the temple'—are still running the government. Roosevelt, in fact, is the Wall St. bankers' servant. To the tens of thousands of strikers, he gives 'arbitration' while at the same time mowing them down with bullets.

"To find a way out of the bosses' difficulties—Roosevelt is fast pushing towards War and Fascism. The (T-9105) last session of Congress under Roosevelt's instructions gave over 1½ billion dollars for war preparations, but not one cent for unemployment insurance! All capitalist countries are arming to the teeth. They are getting ready for another world war which is near. The bosses don't want to feed the youth now. But the bosses will use the same youth as cannon fodder in the next war."

And then the next heading: "Defend the Soviet Union.

"Youth of America! Serve notice on the bosses' government that you are through serving as cannon fodder! Organize into the Young Communist League and fight against bosses' war! We must organize now to turn the bosses' war for profits and markets into the only just and necessary war of the oppressed classes against their parasite-oppressors! We must turn our guns on our real enemies—not the workers of other countries—but 'our own' bosses in this country! Fight for a Soviet U.S.A.! the Soviet Union—170,000,000 strong—have already succeeded. In 1917 under the leadership of the Communist Party, they turned the bosses' war into a revolutionary war against the war-plotters! Now they live under their own government—a workers' Soviet gov-

Gilbert Green—Defendant—Cross

ernment. The (T-9106) Soviet workers own all the factories, mines, railways, farms, machinery and everything necessary for life. There is no unemployment in the Soviet Union. There is no starvation. The workers and farmers run the factories and farms for their own benefit, not for bosses' profits. They have built new schools and universities. They have given special privileges to the youth. They are training the youth for responsible positions in government, industry, profession, art and science. New homes are built in place of the old czarist slums. Wages are rising steadily. A complete system of social insurance is established. Workers, women and youth are equally protected against dangerous occupations, long hours, and accidents. The creative power of the youth is now engaged in the Soviet Union in the building of a Socialist society. Everything for which the American youth are fighting today was won by the Soviet youth through the establishment of Soviet Power. Soviet Power is what we too must fight for here in America.

"The capitalists of the world fear that 'their' workers will learn from the successes and lessons of the Soviet Union. That is why they hate the workers' government in the Soviet Union! They plot to destroy it. Hitler speaks of war against the (T-9107) Soviets. The American youth must see that the Soviet Union stands for the cause of the workers of the world. The youth must not permit the bosses to destroy the Soviet Union. In case of an attack on the Soviet Union—we must pledge to rise in defense of our only fatherland."

By Mr. McGohey:

Q. Mr. Green, in 1936 you engaged in a public debate, did you not, with Gus Tyler of the Young People's Socialist League? A. I engaged in a public debate with him. I don't recall whether it was 1936 or not.

Mr. McGohey: May I have this marked?

The Court: Will you let me have that 180-A for a minute?

Motion for Mistrial—Denied

(Exhibit handed to the Court.)

(Marked Government's Exhibit 181 for identification.)

Mr. Gladstein: With respect to 180-A, the one that the Court is now looking at and that Mr. McGohey just read to the jury—

The Court: Yes?

Mr. Gladstein (Continuing): I would like to move to have all that stricken from the record and I assign it as highly prejudicial to have it received in evidence, and I think it was intentionally prejudicial.

(T-9108) The Court: Motion denied.

Mr. Gladstein: And I ask, in view of the Court's ruling, for the declaration of a mistrial.

The Court: I don't want to hear any more argument on that, Mr. Gladstein.

Mr. Gladstein: I have just made a motion for the declaration of a mistrial.

The Court: Yes, motion denied.

Mr. McGohey: In that exhibit that I have just had marked, I suggest that pages 29 to 42 are the pages that I am interested in.

The Court: I am not ready to look at that yet. I am glancing at this other one a moment.

Mr. McGohey: Oh, I am sorry.

The Court: I will get to that in a minute.

All right. Let me see 181 for identification. What was the page, Mr. McGohey?

Mr. McGohey: 29 to 42.

The Court: 39 to 42?

Mr. McGohey: 29 to 42, and then in there—in those pages, particularly 35 and 39.

The Court: What is this YPSL?

Mr. McGohey: Young People's Socialist League.

The Court: Oh, Young People's Socialist League? Is that the same one that was up at CCNY there, when Mr. (T-9109) Gates was testifying, or is that a different one?

Mr. McGohey: I don't know. Mr. Gates testified about a Young People's Socialist League at City College.

The Court: Very well.

Gilbert Green—Defendant—Cross

Q. Mr. Green, I understood you to say that you did debate with Mr. Tyler but you did not recall when it was when the debate was held? A. That is correct.

Q. I show you Government's Exhibit 181 for identification, and ask you to look at that title page there and tell me, doesn't that refresh your recollection on the date of May 1936? A. There is an article here on May Day, but apparently this is prior to that time.

Q. Look at page 29 and see if, from there to page 42, there is not contained your main speech in that debate with Mr. Tyler? A. (No answer.)

Q. Isn't there a picture of you on page 29? A. There is.

Q. And Mr. Tyler? A. There is.

Q. And in the following pages doesn't there appear the speech that you delivered in the debate? A. Yes; it was delivered in February.

(T-9110) Q. Of what year? A. 1936.

Mr. McGohey: Thank you.

The Court: We will stop here.

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

We will now take a recess until tomorrow morning at 10.30.

(Adjourned to July 6, 1949, at 10.30 a. m.)

Gilbert Green—Defendant—Cross

(T-9111)

New York, July 6, 1949,
10.30 o'clock a. m.

TRIAL RESUMED

GILBERT GREEN, resumed the stand.

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

You may proceed, Mr. McGohey.

Mr. McGohey: Before I proceed, your Honor, I desire to hand to your Honor, and I also have copies for Mr. Isserman, photostatic copies of Government's Exhibit 175-A, 178-A and 179-A.

The Court: Thank you.

Mr. McGohey: (To Mr. Isserman) Here are copies for you.

Cross examination continued by Mr. McGohey:

Q. Just before the recess yesterday afternoon, Mr. Green, you were telling us about a debate in which you engaged with a man named Tyler back in 1936; that is correct, isn't it? A. Yes, I remember that debate. (T-9112) That was before the article that Mr. Dennis and I wrote dealing with the change in Party policy.

Q. You engaged—

The Court: I wish you wouldn't add those things, Mr. Green. You know, you weren't asked about that and you just keep it up, and it just prolongs the trial so. I wish you would make a special effort to try not to do it.

Q. But you did engage in the debate and in the course of the debate you made a speech, did you not? A. I did.

Colloquy of Court and Counsel

Q. And the speech was thereafter published? A. It was.

Q. Now, in the course of that debate with Mr. Tyler didn't you say in substance: When the Soviet Union is attacked, we will know what to do; we will certainly try to turn this into a civil war against the attackers; we will defend the Soviet Union by turning the imperialist war into a civil war; didn't you say that?

Mr. Gladstein: I object to this.

Mr. Isserman: I object.

The Court: Overruled.

Mr. Gladstein: May I say this, your Honor, that this line of examination is highly inflammatory and prejudicial, remote, if at all—

The Court: It doesn't seem so to me, Mr. Gladstein. It seems to have very definite bearing on the issue of (T-9113) intent, and I will allow it.

Mr. Gladstein: Whose intent, may I ask your Honor?

The Court: The witness's intent.

Mr. Gladstein: Is this being received, your Honor, in respect of the witness only?

The Court: You know what I told you yesterday, as to these matters brought out on cross-examination, where they affect only one or more of the defendants, if you will submit to me at the proper time a proper request to charge, I will grant it.

Mr. Gladstein: Very well, your Honor. Before I sit down, may I say that in the course of this discussion, while I was addressing the Court, Mr. Gordon turned around and addressed a statement to me, ordering me to sit down. I think it is about time Mr. Gordon—

Mr. Gordon: I think it is time Mr. Gladstein stopped making these gratuitous comments about other counsel, your Honor. They are improper, they are untrue. He goes around calling people names, and I personally resent it, and I wish he would stop it.

Mr. Gladstein: Now, if your Honor please, Mr. Gordon did do exactly as I said, and he lies when he says that I made an untrue remark.

Colloquy of Court and Counsel

The Court: Now, Mr. Gladstein, you simply have (T-9114) got to control yourself. You know, these little side issues that you keep bringing up every once in a while do make very interesting reading in the newspapers but they have got nothing to do with the case, and it seems to me that that sort of bandying about between counsel that we have had during the trial here would be better omitted.

Mr. Gladstein: But, your Honor, I have called the Court's attention to something that I thought perhaps it would be well to do so so that Mr. Gordon—

The Court: Yes. You make an issue of something that unless you brought it up wouldn't be here at all. Mr. Gordon denies the statement, and I am not going to go and take a lot of testimony on any such subject as that, and I think we had better call that incident closed.

Now there has been a good deal of disposition to have that sort of thing here, and it has no place in the trial.

Mr. Isserman: If the Court please, I would like to object on the grounds which I urged in connection with Exhibit 178, 179 and 180, without repeating them here at length.

The Court: I am trying to think what the objections were that you made to those exhibits. As I remember them, they had to do with 7 x E and 7 x F for identification.

(T-9115) Mr. Isserman: No, these exhibits are—the ones I am referring to are 178, 179 and 180, the Government's exhibits.

The Court: I know.

Mr. Isserman: May I state the grounds?

The Court: And as I remember, your objection was that you thought it unfair for me to permit questions as to those exhibits because when you had brought up Exhibit 7 x E and 7 x F, I had excluded them. Is that not your point?

Mr. Isserman: Well, that is one of my points.

The Court: Well, is it your point?

Gilbert Green—Defendant—Cross

Mr. Isserman: No, it is not. That is one of my points.

The Court: Well, if that is not your point—

Mr. Isserman: May I state my grounds?

The Court: Yes, you may state your grounds. I hope to understand them better.

Mr. Isserman: Yes. The first ground is that the matter is remote.

The second ground is that it is not covered in the indictment, either as to subject matter or time period. In connection with remoteness, I point out the fact that this was nine years before the date of the indictment.

(T-9116) My next point is that the statement was made before the passage of the Act under which the defendant stands indicted and on trial in this court at this time.

My final point is that on any question of credibility, the evidence is so prejudicial that the Court should not allow it in, whether it be used on credibility or otherwise.

The Court: I will overrule—

Mr. Isserman: My last point is, if your Honor please, that there is no prior—that this is not in contradiction of any prior testimony.

The Court: I will overrule the objection.

Read the question to the witness.

Mr. McGohey: I know the question, your Honor.

The Court: All right, you may repeat it then, if you desire, Mr. McGohey.

Q. In the course of your debate with Tyler, Mr. Green, didn't you say in substance this: When the Soviet Union is attacked, we will know what to do; we will certainly try to turn this into a civil war against the attackers; we will defend the Soviet Union by turning the imperialist war into a civil war? A. As I recall, in substance, that speech of mine was a plea for—

Mr. McGohey: Now if the Court please, the question (T-9117) is did he or did he not, in substance—

Gilbert Green—Defendant—Cross

The Court: That is the question all right.

Mr. McGohey: —say what is in there, and I ask that he be directed to answer that.

The Witness: And I am trying to recollect what I said in that speech.

Q. Now I ask you—

The Court: Now the answer is either "yes" or "no" or "I don't remember."

The Witness: What Mr. McGohey said was not the substance of that entire speech.

The Court: He didn't ask you that. He asked you whether you said, in substance, what he put in his question. Now did you say it or didn't you say it?

The Witness: That speech was a plea for unity in defense of Ethiopia which had been attacked; a plea in defense of Manchuria against Japan, and a plea for unity of all people to prevent World War II.

Q. I ask you— A. That was the essence of that speech.

(T-9118) Q. I ask you, Mr. Green, if it isn't a fact that in the course of your speech you said in substance "when the Soviet Union is attacked we will know what to do. We will certainly try to turn this into a civil war against the attackers. We will defend the Soviet Union by turning the imperialist war into a civil war."

Mr. Isserman: I object to that on the same ground previously urged.

The Court: Overruled.

Mr. Isserman: And on the further ground that it is taking a sentence out of context.

The Court: Overruled.

Q. Didn't you in your speech say in substance what I read? A. I do not recollect the exact words but I do recollect when the Soviet Union and the United States were attacked by Japan the Soviet people as a whole worked to turn that into a civil war against Mussolini and Hitler.

Gilbert Green—Defendant—Cross

Q. Isn't it a fact that in the course of your speech you did say what I read to you, Mr. Green? A. If you show me the speech I will tell you. I don't recollect my exact words of a speech more than 13 years ago.

By the Court:

Q. It isn't a question of your exact words; it is a (T-9119) question of whether or not you said that in substance.

Mr. Isserman: The witness is asking for the speech to refresh his recollection. I think he should be shown the speech.

The Court: I should think he would remember a thing like that if he said it.

Q. Don't you remember?

Mr. Isserman: I object to the Court's question.

The Court: Very well, overruled.

A. What I remember is the essence of that speech, and I remember it was a debate and a plea for unity to prevent World War II.

Q. I understand about that, but did you say in substance as part of that speech what Mr. McGohey put in his question? A. I can answer that only if I refresh my recollection by reading it.

By Mr. McGohey:

Q. Well, did you in the course of that speech in substance say this: "that even in the event of an alliance between the Soviet Union and the U.S.A. we shall under no conditions nor at any time give up the struggle to overthrow American capitalism and establish Soviet power. We shall at all times bear in mind that our task is not alone in defeat of the aims of our own imperialism but to guarantee the victory of the Soviet Red Army."

(T-9120) Mr. Isserman: I object to that question.

The Court: Overruled.

A. When that alliance—

Colloquy of Court and Counsel

Q. I ask you, didn't you say what I have put in my question in the course of this speech? A. If you show me the speech and permit me to read it I will tell you whether I said it or not.

By the Court:

Q. Without looking at the speech, is it or is it not a fact that you cannot remember saying those things? A. I do not recall the exact statements.

Q. I am not asking you about the exact statements. Did you say something in substance like what Mr. McGohey read?

Mr. Isserman: I object to that.

The Court: Overruled.

A. I may have. My views in 1936 were not the views I hold today.

Mr. McGohey: If the Court please, I offer in evidence from Government's Exhibit 181 for identification the fifth paragraph, from the bottom of page 35, and the first two full paragraphs on page 39.

Does your Honor care to see these before I hand them to Mr. Isserman?

The Court: No, I will look at them after counsel (T-9121) has read them.

Mr. Isserman: If the Court please, I object to the offer on the grounds urged with respect to Government's Exhibit 181 for identification, and on the additional ground that the offer consists of three paragraphs not contiguous taken out of a 12-page speech. I object to this partial offer as being prejudicial and unfair to the defendants.

Mr. McGohey: Pages 35 and 39, as marked.

The Court: Yes, I have a note of it.

Mr. Isserman: May I also note that no foundation has been laid for its introduction.

The Court: Wasn't there testimony yesterday by this witness as to this exhibit, Mr. Isserman?

Mr. McGohey: Yes, your Honor.

Mr. Isserman: I think there was some testimony.

Colloquy of Court and Counsel

Mr. McGohey: Page 9109,

"Q. And in the following pages"—

The Court: All right.

Mr. McGohey: (Continuing)

"doesn't there appear the speech that you delivered
in the debate?"

The Court: All right.

Mr. McGohey: "A. Yes; it was delivered in
February" of that year.

(T-9122) And then again this morning the
same questions were repeated.

Mr. Isserman: And that year, I believe, referred
to 1936?

Mr. McGohey: That is correct.

The Court: Yes, and that is this exhibit.

I will overrule the objection.

The Clerk: Government's Exhibit 181-A, fifth
paragraph from the bottom on page 35; 181-B, first
two paragraphs on page 39.

The Court: Very well.

(Marked Government's Exhibits 181-A and 181-B
in evidence.)

Mr. McGohey: I should like to read the exhibit,
your Honor.

The Court: Very well.

Mr. Isserman: I object to the reading of three
paragraphs out of 12 pages.

The Court: Yes; after the reading is concluded
you may offer any portion of the remainder of
the speech that you desire.

Mr. McGohey: I am reading, ladies and gentle-
men, from Government's Exhibit 181-A, which is
part of the speech—

Mr. Isserman: Pardon me for a second. Is
there (T-9123) another copy available so I can
follow?

Mr. McGohey: I don't have another copy. I
will have copies of these parts of the speech which
constitute the exhibits, made for you.

*Excerpts From Government's Exhibits 181-A and 181-B,
Read into Record*

Reading from page 35 of 181 for identification, the part I am reading is part of the speech delivered by the witness Gilbert Green in 1936, as follows:

"On this question also the concrete problem of the defense of the Soviet Union demands more than the simple repetition of the phrase 'We will defend the Soviet Union by turning the imperialist war into a civil war.' Surely, if and when the Soviet Union is attacked, we will know what to do. We will certainly try to turn this into a civil war against the attackers. The important thing to do, however, is to do everything humanly possible to hinder and prevent such an attack."

And then reading from Government's Exhibit 185-B, which appears on page 39, as follows:

"If the incredible happens, if in such a war the speculations of Comrade Tyler and his friends about an alliance between the Soviet Union and the U.S.A. come true, then we shall also not be neutral. We shall at all times expose and fight the predatory aims of American imperialism in the war and mobilize (T-9124) the masses to fight against them. We shall under no condition nor at any time give up the struggle to overthrow American capitalism and establish Soviet power. We realize that a Soviet America is the best and only real defense of the Soviet Union. We shall, however, at all times bear in mind that our task is not alone to defeat the aims of our own imperialism in such a war but also to guarantee the victory of the Soviet Red Army. But once again we wish to reiterate that the most important basic task now is to leave no stone unturned to hinder, postpone and stop the outbreak of war against the Soviet Union.

"Only this policy will show the masses who their enemies are and prepare them for struggle to overthrow the American capitalist class."

Mr. Isserman: If the Court please, I am asking for a short recess so I may confer with my client on the balance of the speech which is contained in this exhibit.

Colloquy of Court and Counsel

The Court: Very well. Ten-minute recess.

(Short recess.)

(T-9125) Mr. Isserman: If the Court please, without withdrawing my prior objection to the introduction of any part of Exhibit 181, and solely because of the Court's ruling on admitting into evidence 181-A, I now offer into evidence the whole of Mr. Green's speech which appears on pages 30 to 42 inclusive of Exhibit 181 for identification, and that offer includes, the way I phrased it, Exhibit 181-A. I am offering the balance of the speech which was not offered by the Government.

Mr. McGohey: Your Honor, might I inquire whether Mr. Isserman claims that any part of the balance of the speech modifies or contradicts the part that I have offered?

The Court: Well, I am pretty sure he is going to stick to the position that he has taken all along; that you can't offer any part of any speech or book without offering the whole because the whole modifies it.

Isn't that your position, Mr. Isserman?

Mr. Isserman: That is my position in respect to this particular exhibit, is that the whole must be read or the whole must be tendered into evidence in order to understand the part that was read.

The Court: Yes. You don't claim that there are any particular portions that modify or explain the parts that were offered?

(T-9126) Mr. Isserman: Well, it all does, your Honor. If I was to make degrees of relationship, I would say that some portions are more directly in modification and explanation than others, but this is a debate; it is a position that this man took on it, and it is on one subject.

Mr. McGohey: That is my point, your Honor. I have to disagree with Mr. Isserman. It is not all on one point.

The Court: Is there something in there about lynching and Jim Crow?

Colloquy of Court and Counsel

Mr. Isserman: I object to the Court's question both as to its content and the manner in which it was asked.

The Court: Well you know, I have felt, as was stated here, that we have had that subject gone into again and again and again, and evidently the position of the defendants is that when anything comes up they must repeat that. Now I think we have had enough of it to make that clear to everyone here just what the position of the defendants on that subject is, and I don't see any point in having it repeated all the time as though we were all sort of lacking in intelligence.

Mr. Isserman: I must object to that.

Mr. Crockett: I wish to record an objection to the Court's last remark as highly prejudicial to my (T-9127) clients.

The Court: Well, all right.

Mr. McGohey: I object to the—

Mr. Gladstein: Excuse me, Mr. McGohey.

Will your Honor be good enough to rule on the objection. This is the second time today that an objection has been made. The first time your Honor said simply "It is noted," and this time your Honor says "It's all right." Well, I conceive it appropriate for an attorney to inquire whether the Court will make a ruling.

The Court: When you charge me with judicial misconduct, is it all right to you if I say "Objection overruled" hereafter?

Mr. Gladstein: Well, your Honor, I would prefer if your Honor sustained my objections occasionally, but I think a ruling one way or the other is appropriate.

The Court: You see, when you keep charging me with judicial misconduct, and in fact there is none, I have felt that if I just let your objection go on the record, it would suffice; but if you prefer to have me use some special formula, why I will be very glad to accommodate you.

Now which do you like to have me say, "Objection overruled" or "Your objection is noted"?

Gilbert Green—Defendant—Cross

Mr. Gladstein: Well, I take this as a matter of (T-9128) seriousness and gravity.

The Court: Well, so do I. It is far more serious to me to be continually charged, without the slightest foundation, with judicial misconduct of various kinds. I don't like it, but what can I do? I just bear it and try to be pleasant about it, but I don't really like it.

Mr. Gladstein: Well, of course, your Honor will appreciate that the occasions when we rise to call your Honor's attention to remarks that we feel shouldn't be made or occasions when your Honor himself has made those remarks and we as members of the bar feel that those remarks are prejudicial and wrong.

The Court: I know that is what you say. I will say "objection overruled" and perhaps that will suffice to close the incident.

Now, Mr. McGohey.

Mr. McGohey: I object to the offer as made, your Honor (handing to Court).

The Court: (After examining.) The objection to the offer of the whole remainder of the article is sustained. If you wish to offer some parts that have some bearing upon it, I shall give that consideration.

Mr. Isserman: If the Court please, the consideration that we have given this exhibit indicates that the whole has a bearing on every other part.

(T-9129) The Court: Very well.

Mr. Isserman: However, if we must offer it in emasculated form I will confer with my client at a later time and make the offer in redirect examination if we possibly can.

The Court: Very well.

By Mr. McGohey:

Q. Mr. Green, is the most important thesis of the Marxist-Leninist doctrine of proletarian revolution the violent seizure of authority by the proletariat, the demolition of the exploiting society's machinery of state, and the

Gilbert Green—Defendant—Cross

organization in lieu of the old state machinery reduced to fragments of a new state?

Mr. Isserman: I object to that question.

The Court: Is that on the ground that it calls for a present opinion rather than one—

Mr. Isserman: It calls for an argument. It calls for a conclusion on the witness's part and requires his opinion. It is the kind of a question that cannot be answered yes or no.

The Court: I will overrule the objection.

A. The most important doctrine of Marxism-Leninism is to serve the interests of the people, to educate them in the need for a social transformation of society for a time when a majority want that transformation, to lead (T-9130) them in that direction, when governmental power is taken by working to help establish a new working class state in place of the capitalist state, and then to lead in the direction of a classless society without oppression, discrimination, or wars of any kind.

The Court: I take it the answer to Mr. McGohey's question is no.

The Witness: That is my answer.

Mr. McGohey: Your Honor, I would like to repeat the question.

The Court: You may do so.

Q. Isn't the most important thesis of the Marxist-Leninist doctrine of proletarian revolution the violent seizure of authority by the proletariat, the demolition of the exploiting society's machinery of state, and the organization in lieu of the old state machinery reduced to fragments of a new state?

Mr. Isserman: I object to that question again.
The Court: Overruled.

A. I have given you what I believe is the most important essence of Marxist-Leninist doctrine.

Q. Do you mean by that answer that the doctrine or the thesis that I have stated is not the most important?

Mr. Isserman: I object to that question.
The Court: Overruled.

Gilbert Green—Defendant—Cross

(T-9131) A. I have stated what I believe to be the most important aspect of that doctrine.

Q. Do you mean by that answer that what I have stated and asked you about is the most important thesis or is not the most important thesis?

Mr. Isserman: The question is objected to.

The Court: Overruled.

A. I have stated what I believe to be the most important aspect.

Mr. McGohey: Now I ask, your Honor, that the witness be directed to answer my question as to whether or not—

The Court: Yes, that question is susceptible of a yes or no answer. Either that is the most important or it is not. Now which is it?

Mr. Isserman: I object to the Court's question. I believe that the alternative that the Court puts is not a proper alternative. The question is improper.

The Court: Overruled.

The Witness: I refuse to answer yes or no to a compound, complex question. If you want my opinion I will give it, but I can't answer yes or no to statements which have three or four different clauses in them.

Q. Mr. Green, isn't it the most important thesis of Marxist-Leninist doctrine of proletarian revolution (T-9132) the violent seizure of authority by the proletariat, the destruction of the existing state and the setting up of a new state?

Mr. Isserman: I object to that question.

The Court: Overruled.

A. I have already answered that question, Mr. McGohey.

Mr. McGohey: Your Honor, I think he has not.

The Court: No, I think he has not.

Do you say that you cannot answer the question or that you will not?

The Witness: I say that yes or no doesn't answer any question of that kind. For example, the last part of it speaks about the establishment of a

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new state. Certainly I am in favor of that. But the first part speaks about the violent overthrow. That is something else.

The Court: There is no use of having a lot of talk about it. I think you better go on to something else, Mr. McGohey.

Q. As a matter of fact, Mr. Green, hasn't Foreign Minister Vishinsky said that what I have stated is the most important thesis of Marxism-Leninism?

Mr. Isserman: I object to that question.

A. I don't know what Foreign Minister Vishinsky said.

(T-9133) Mr. Isserman: I object to that question, your Honor.

The Court: I sustain the objection.

Do you desire the answer stricken, Mr. Isserman?

Mr. Isserman: The question has been objected to. I think the answer should be stricken.

The Court: I will strike out the answer.

Q. Mr. Green, do you regularly read the Daily Worker and The Worker? A. I try to.

Q. And have you, during the years as a functionary of the Communist Party and before that of the Young Communist League? A. Have I what?

Q. Have you been a regular reader of the Daily Worker and The Worker? A. I have tried to. I haven't been able to read all copies but I certainly desire to.

(T-9134) Q. Between April 1, 1945, and July 20, 1948, was the Daily Worker the official organ of the Communist Party? A. Do you want an answer to that question or do you want yes or no. I can clear this up very simply if I am permitted to explain.

The Court: Well, you know, you have been explaining most of the time. You might as well go ahead and do it. Now, answer it any way you want.

The Witness: All right, good.

Mr. McGohey: I don't know whether it is good or not, but we will take it.

The Witness: It will be good.

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(Laughter in the courtroom.)

Mr. McGohey: That remains to be seen.

A. (Continuing) The Communist Party does not own the Daily Worker. In that sense it is not the official organ of the Communist Party. The Communist Party does officially support the Daily Worker, which is the only daily newspaper which conveys the Communist point of view. Now, that, to my mind, is where the contradiction has arisen here between what one document may have said and what Mr. Gates said. It is not owned by the Party but the Party officially supports it. Without the backing of the Party, the Daily could not exist—the Daily Worker.

The Court: So you cannot really say whether it is (T-9135) the official organ of the Party or not?

The Witness: It is not the official organ, in the sense that the Party doesn't own it and doesn't control it; but in the sense that it is the only Communist newspaper, in the sense that the Communist Party officially supports it, calls upon its members to read it, helps raise finances for it, it certainly is, in that sense, a paper officially supported by the Party.

Q. During that period of 1945—April 1945 to July 20, 1948, was it the central organ of the Communist Party?

Mr. Isserman: I object to that question.

The Court: Overruled.

A. During the period of the indictment it was not owned by the Communist Party at any time, so it could not have been the central organ of the Communist Party.

The Court: You have the funniest way of reasoning things out that I have ever heard. I don't see why that is so. I wish you would explain that to me a little better.

The Witness: The Daily Worker is a separate institution.

The Court: Suppose it is? It could be the central organ of the Party just the same, couldn't it?

The Witness: No, it couldn't.

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The Court: Well, that is what I wish you would (T-9136) explain to me.

The Witness: Because it is owned by a corporation of some kind or another. I don't know the exact details in regard to it. The owners of the paper aim to have it express as closely as possible the Communist point of view, but the Communist Party cannot assume responsibility for everything that appears in the paper because the Communist Party doesn't, in that sense, guide and control the paper, although usually when the leader of the Communist Party wants to express himself, the owners and the editors of the Daily Worker will certainly give space to that pronouncement.

Q. Now, have you finished your answer? A. Yes.

Q. During that period was it the Party organ?

Mr. Isserman: I object to that question,

The Court: Overruled.

A. I thought I had already explained that in the sense that it is the only newspaper that expresses the Communist point of view, the entire Party supports it and helps increase its circulation, but it is not the organ in the sense of being the voice of the Communist Party, in the sense of the Party controlling it and owning it. That is the distinction.

Q. Have you ever said that it was the Party organ? (T-9137) A. If I did, Mr. McGohey, it was meant in this sense—

Q. I asked— A. I don't recall.

Q. —Mr. Green, did you or did you not ever say in an official publication that it was the Party organ? A. I do not recall, Mr. McGohey.

Q. Now, you say it is not owned by the Communist Party. Who owns the paper? A. I believe it is the Freedom of the Press Corporation. I don't know the details.

Q. Who is the president of the Freedom of the Press Corporation? A. I believe it is Mr. Davis, Mr. Benjamin J. Davis.

Q. One of the defendants on trial? A. Yes, and Councilman of the City of New York.

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Q. And also a member of the National Board of the Communist Party? A. Yes.

Q. And also a member of the National Committee of the Communist Party? A. That is right.

Q. And who is editor of the Daily Worker and the Worker? A. Mr. John Gates.

Q. A defendant on trial here? A. Yes.

Q. A member of the National Committee of the Communist Party? A. He is.

Q. And a member of the National Board? A. He is.

Q. Isn't it a fact that all the staff members of the (T-9138) Daily Worker are members of the Communist Party?

Mr. Isserman: I object to that question.

The Court: Overruled.

Mr. Isserman: No foundation has been laid for it.

A. I do not know, Mr. McGahey.

Q. Do you know anybody on the staff of the Communist—or the Daily Worker or the Worker who is not a member of the Communist Party?

Mr. Isserman: I object to that question.

The Court: Overruled.

A. I have never made any inquiries. My job has been in Illinois. I haven't worked with the staff. In fact, I couldn't tell you who is on the staff.

Q. Where is the editorial office of the Daily Worker? A. 35 East 12th Street, on the eighth floor.

Q. And where are the National offices of the Communist Party? A. 35 East 12th Street, on the ninth floor.

Q. Where are the offices of the New York State Communist Party? A. 35 East 12th Street on the fifth floor—at least, they were when I was in New York headquarters as state chairman.

(T-9139) Q. And doesn't the National Committee of the Communist Party supervise the Party press? A. Yes, it supervises the Party press.

Q. Doesn't it elect the editors of the Party press? A. It elects the editor of Political Affairs.

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Q. I ask you, does it elect the editors of the Party's press? A. Well, some day we hope to have many papers and we will elect them all, I hope. Right now we do not.

Q. Now Mr. Green, I am reading from Section 6 of the Constitution of the Communist Party, which was adopted at the convention in July of 1945, from Section 6, as follows:

“The National Committee organizes and supervises its various departments and committees; guides and directs all the political and organizational work of the Party; elects or removes editors of its press, who work under its leadership and guidance;”—

Is that statement correct? A. That is correct.

Q. Now in what paper did the National Board of the Communist Party direct that the Duclos article be published in 1945?

Mr. Isserman: I object to that.

A. I do not—

Mr. Isserman: Just a moment. I object to that.

The Court: Overruled.

(T-9140) A. I don't recall any directions. I recall that arrangements were made with the Daily Worker and it was printed there.

Q. In what paper did the National Board direct that Browder's foreword to the Duclos article be published?

Mr. Isserman: I object to that question. There was no National Board of the Communist Party in that period.

The Court: Isn't that so, Mr. McGohey?

Mr. McGohey: Yes, your Honor. That was—that is correct, and I withdraw the question to re-frame it.

Q. In what paper did the National Board of the Communist Political Association direct that the—that Browder's foreword to the Duclos article be published? A. I don't recall any direction. I recall arrangements with the Daily Worker that it be printed there.

Gilbert Green—Defendant—Cross

Q. Now haven't you testified, Mr. Gates—Mr. Green, on direct examination, that you were present at a meeting of the National Board of the Communist Political Association at the time that the Duclos article was considered by that body? A. That is correct.

Q. And haven't you testified that they directed that it be published in the Daily Worker?

Mr. Isserman: May I know what page, Mr. McGohey is referring to?

(T-9141) A. They decided to have it published but those arrangements were made with the Daily Worker.

Q. Did you testify—

Mr. Isserman: Just a minute, Mr. McGohey.

The Court: You mean "Just a minute, Mr. Green."

Mr. Isserman: Well, Mr. Green had finished and Mr. McGohey had started again.

The Court: Well, Mr. Green has a way of going on again just the same, making comments, and you can't blame Mr. McGohey.

Mr. McGohey: If the Court please, I am not now reading from any part of the record. I am asking Mr. Green if he didn't so testify.

Mr. Isserman: But you are referring to testimony.

The Court: And I take it that you have no reference to a page before you.

Mr. McGohey: No; at the moment, no, your Honor. I am having it looked up.

Q. Now Mr. Green, I asked you if you didn't testify on your direct examination that the National Board directed Mr. Browder to write a foreword which was thereafter directed to be published with the Duclos article in the Daily Worker.

Mr. Gladstein: Your Honor, I think we are entitled to have the page given to us. That was a (T-9142) requirement—

The Court: But if he hasn't got the page.

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Mr. Gladstein: I know, but I remember once I did not have the page that Mr. McGohey inquired and the Court required me to give it before going forward with the examination. I remember it very vividly.

The Court: Well, I don't recall that, but if you desire it very much, perhaps it can be found. I thought such details as this were within my discretion, but, however, if it seems unfair to Mr. Gladstein we will—

Mr. McGohey: I withdraw the question then, your Honor.

The Court: Very well.

Q. Now I ask you, Mr. Green, if it isn't a fact that at the time the National Board of the Communist Political Association considered the Duclos article, that that Board directed that the article be published in the Daily Worker, together with a foreword by Mr. Browder? A. That Board decided to publish the article with a foreword by Mr. Browder, and the understanding of that decision was that arrangements would then be made with the Daily Worker to see that it was published, and arrangements were so made. There was no motion to direct the (T-9143) Daily Worker to publish anything.

Q. And they were published, both the Duclos article and Browder's foreword were published in the Daily Worker, were they not? A. Both were published.

Q. And wasn't the editor of the Daily Worker present at that meeting? A. I don't recall who the editor was at that time.

Q. If I suggest the name of Louis F. Budenz, will that refresh your recollection? A. Mr. Budenz was not present at the meeting nor was he the editor in chief of the Daily Worker.

Q. I asked you if he was the editor of the Daily Worker. A. Well, a newspaper has more than one editor. When you talk about the editor, you talk about the editor in chief.

Q. Who was the editor in chief of the paper at that time? A. As I say, I do not recall.

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Q. May I suggest the name of Mr. Browder? Does that refresh your recollection? A. He may have been. I do not recall whether he was or was not.

Q. He was the head of the Party at that time, wasn't he? A. He was the head of the Communist Political Association at that time.

Q. And he was present at that meeting when they were considering the Duclos article? A. He was present then.

(T-9144) Q. And you do not know whether he was the editor in chief of the Daily Worker? A. I say I do not recall whether he was. The Daily Worker has had many editors in its time.

Q. Did it have Mr. Browder at one time? A. I don't recall whether it did or did not. It may have had.

Q. You were a member of the National Board then, weren't you? A. Oh, yes.

Q. And hasn't it always been the practice of the Party, whether it operated under the name of the Communist Party or the Communist Political Association, to supervise its press?

Mr. Isserman: I object to that question as to form.

The Court: Overruled.

A. To supervise its press?

Q. Yes. A. Yes. Political Affairs was supervised. When the Daily Worker was the official organ, it supervised it.

Q. And you can't tell us now whether Mr. Browder in 1945, May of 1945 specifically, was the editor of the Daily Worker? A. He may have been. I don't recall. I recall Mr. Browder as the head of the organization. I don't recall him as the editor of the paper.

Q. Tell me if you will, please, in what paper were all (T-9145) of the decisions of the National Board and all of the decisions of the National Committee published between April 1945 and July 20, 1948?

Mr. Isserman: I object to that question. It assumes a fact not in evidence.

The Court: Overruled.

Gilbert Green—Defendant—Cross

A. The Daily Worker, because the other press will not print the statements of the Communist Party in full—the Daily Worker being the only paper that does that, to my knowledge.

Q. So the answer is that all of those decisions were published in that period in the Daily Worker?

Mr. Isserman: I object to that question because it assumes a fact not in evidence.

The Court: Well, he has already answered "Yes."

A. To my recollection they were there published.

Q. Mr. Green, I desire to read to you some testimony by Mr. Gates:

"Q."—

Mr. Gladstein: What is the page, please?

Mr. McGohey: 7469.

(T-9146) Q. "Was the book 'Toward Soviet America' taught or advocated by the Communist Party at any time as part of its teaching or advocacy?"

And then after some colloquy, the answer:

"So far as I know it never was."

"Q. It never was what, Mr. Gates? A. It never was adopted or approved by the National Committee or the National Board or Political Committee or National Convention of the Communist Party."

And then the Court says:

"But let me just ask him a question."

"I take it you mean by that at no time to your knowledge was that book part of the doctrine that was taught and advocated by the Communist Party?"

"The Witness: That is correct."

Do you recall that testimony by Mr. Gates? A. I recall it.

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Q. Now, as a matter of fact, weren't there occasions when "Toward Soviet America" was recommended by the Communist Party or its leadership? A. I have no recollection of that.

The Court: Is that that book of Foster's?

Mr. McGohey: Yes.

Mr. Gladstein: May I point out—I object to that question. It is not related to the portion read (T-9147) from the transcript. The portion read from the transcript dealt with whether or not that book constituted part of the advocacy and teaching. That is quite different from asking whether or not anybody in the Communist Party recommended that that book be read. That was Mr. McGohey's last question, I think—it asked whether the book was recommended.

The Court: You know, Mr. Gladstein, since you have been back here you have, on every single occasion that you have arisen—you have wholly disregarded my direction that there be no argument or discussion without asking my leave to do so, and the effect of your interposition and your comments is evident in the record here. A good part of every day is spent in the same sort of wrangling that I have tried to eliminate.

Now I should think that after I have spoken to you so many times about it that you would realize that pretty soon I am going to have to find that you do it deliberately.

You remember the last time I asked you whether you did it deliberately, you said. "Oh, no," that it was an inadvertence? Do you remember that? Now please try in the future to follow my direction.

Now go ahead, Mr. McGohey.

(T-9147-A) I will overrule Mr. Gladstein's objection.

Mr. McGohey: Will you have this marked, please (handing to clerk)?

(Marked Government's Exhibit 182 for identification.)

(T-9148) The Court: All right, Mr. Borman.

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By Mr. McGohey:

Q. Did I understand you, Mr. Green, to say that you did not recall whether or not the Foster book "Toward Soviet America" was recommended by the Communist Party or the leadership of the Communist Party?

Mr. Isserman: I object to that question. No time or place has been fixed.

The Court: You are referring to what you just asked him a second ago?

Mr. McGohey: I just wasn't sure whether he recalled it or denied or affirmed it.

The Court: I will allow the question.

A. I said I did not recall.

Q. In 1932 the Daily Worker was the central organ of the Communist Party, was it not?

Mr. Isserman: I object to that question.

The Court: I will allow it.

A. I believe it was.

Q. I show you Government's Exhibit 182 for identification which is a copy of the Daily Worker for Tuesday, May 10, 1932, and shows on its masthead "Daily Worker Official Organ of the Communist Party," and I call your attention to an article on page 2 of that paper down here in the lower right center beginning "Foster's (T-9149) new book". Does that refresh your recollection as to whether it was recommended by the leadership of the Communist Party?

Mr. Isserman: I object to that question. May I state my grounds?

The Court: No. Overruled.

A. I don't recall ever reading this.

The Court: The question is does it refresh your recollection.

Mr. Isserman: I think the witness has answered that he didn't recall reading it.

The Court: Whether he read it or not it might nevertheless refresh his recollection.

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Now look at it and tell us.
The Witness: It does not.

Q. That is the Daily Worker for May 10, 1932, is it not? A copy of it? A. It is a photographed copy of it.

Q. And the Daily Worker at that time was the central organ of the Communist Party of the United States of America, was it not?

Mr. Isserman: I object to that question on the ground he has answered.

The Court: I will sustain the objection. He did answer it.

Mr. McGohey: I offer in evidence, your Honor, (T-9150) the article beginning "Foster's new book" which appears on page 2 of Government's Exhibit 182 for identification.

Mr. Isserman: If the Court please, I object to the offer of Exhibit 182 and I would like to state my grounds.

The Court: It is not necessary.

Mr. Isserman: May I?

The Court: No. I will sustain the objection.

Mr. McGohey: May I have this marked, please (handing)?

(Marked Government's Exhibit 183 for identification.)

Mr. McGohey: May I indicate to your Honor the part there?

The Court: Yes.

(Mr. McGohey indicates to the Court.)

The Court: All right.

Q. Mr. Green, I show you Government's Exhibit 183 for identification, being a copy of the Daily Worker for Thursday, May 26, 1932, and I call your attention to an article by William Z. Foster in this box at the bottom of the page. A. What is your question?

Q. Have you seen it? A. I have seen it.

Q. Have you looked at it? A. Yes, I am looking at it now.

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(T-9151) Q. On May 26, what position did William Z. Foster occupy in the Communist Party?

Mr. Isserman: I object to that question.
The Court: Overruled.

A. I believe he was the Chairman of the Party.

Q. Didn't the Party recommend the book at the time of the publication of that issue of the Daily Worker?

Mr. Isserman: I object to that question.
The Court: Overruled.

A. I don't recall whether the Party did.

Q. Doesn't William Z. Foster himself there recommend the book?

Mr. Isserman: I object to that as referring to an exhibit not in evidence.

A. Are you asking me for an assumption or for a fact that I know?

Mr. Isserman: I object to that question.
The Court: You see, you can't blame that on anyone but Mr. Green.

Mr. Isserman: I am not blaming anyone; I am making an objection.

The Court: Let me hear the question, Mr. Reporter.

Mr. McGohey: I will withdraw it and ask another question so we can get on.

The Court: Very well.

(T-9152) Q. Mr. Green, on May 26, 1932, did William Z. Foster, Chairman of the Communist Party, recommend the book "Toward Soviet America"?

Mr. Isserman: I object to that question.

A. After all, he wrote the book; I assume he did recommend it.

Q. Now I call your attention to that article there and ask you if that doesn't refresh your recollection that he did?

A. It doesn't refresh my recollection that he did, but I assume that he did. He wrote the book; certainly he

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recommended it. But I have no independent recollection of him recommending it. It is only 17 years ago.

Mr. McGohey: Excuse me just a minute, your Honor.

The Court: Certainly.

(T-9153) Mr. McGohey: May I have this marked, please.

(Marked Government's Exhibit 184 for identification.)

Mr. Isserman: If the Court please, may we have a five-minute recess at this time? There is a request for a short recess.

The Court: Somebody feeling ill?

Mr. Isserman: No, but somebody would like a five-minute recess for personal reasons.

The Court: All right.

(Short recess.)

By Mr. McGohey:

Q. Mr. Green, in your years as a leader of the YCL and a leader in the Communist Party and the Communist Political Association, haven't you joined in the Party program of increasing the circulation of the press, the Party press? A. Oh, yes.

Q. And you have at times helped to increase the circulation of the Daily Worker, have you not? A. Yes, especially since I have been a Party functionary.

Q. And The Worker also? A. Yes.

Q. And you did that, didn't you, back in 1932 when you were a functionary of the YCL?

Mr. Isserman: I object to that question.

The Court: Overruled.

(T-9154) A. Well, the YCL had a paper of its own then, the Young Worker, and that is the paper that the YCL as such pushed for circulation, but I certainly was desirous of seeing more people read the Daily Worker; I am today.

Q. Isn't it a fact that in 1932, specifically in June, 1932, that the Communist Party was offering a copy of William

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Foster's book "Toward Soviet America" as a prize to anyone who took a subscription for the Daily Worker—

Mr. Isserman: I object.

Q. —a yearly subscription to the Daily Worker?

The Court: Overruled.

A. I don't recall whether they gave it as a prize or not. I know the book was read and circulated. I don't know whether they gave it as a prize in the year 1932 or not.

Q. I show you Government's Exhibit 184 for identification, which is a copy of the Daily Worker for Saturday, June 4, 1932, and I call your attention to the article in that box in the upper righthand corner and I ask you if that doesn't refresh your recollection that in June of 1932 the Party was offering a copy of Mr. Foster's book "Toward Soviet America" as a prize to anyone that took a year's subscription for the Daily Worker?

Mr. Isserman: I object to that question.

The Court: Overruled.

(T-9155) A. No, it doesn't and this doesn't say the Party was offering it.

The Court: Nobody said it did. The question is whether it refreshed your recollection so that you can say that that was the fact. I understand your answer is that it doesn't refresh your recollection. Am I right about that?

The Witness: That is right. This is an offer from the Daily Worker, according to the exhibit here. The Daily Worker is offering it, according to what it says.

The Court: You see, you volunteered that yourself and it might not have been admissible without your saying that, Mr. Green.

Mr. McGahey: In view of that, your Honor, I desire to ask one question.

Q. Wasn't the Daily Worker at that time the central organ of the Party?

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Mr. Isserman: I object. That has been answered—

A. I have answered that.

Mr. Isserman: —a number of times.

Q. Look at that particular edition and tell me if that particular edition wasn't the central organ of the Communist Party?

Mr. Isserman: I object to that question.

(T-9156) A. I said—

The Court: I will allow it. He did answer it before but I don't remember the exact time that his prior answer related to. But that is the fact as to this particular date, isn't it, Mr. Green?

The Witness: In 1932, to the best of my recollection, it was the official organ.

Q. I call your attention to the masthead of the exhibit.

A. It so states.

Mr. McGohey: Yes.

I offer in evidence Government's Exhibit 184 for identification, that is, that part of it which consists of this story in the box in the upper lefthand corner of page 5.

Mr. Isserman: Upper left or upper right? I think you said—

Mr. McGohey: Upper left. Did I say upper right?

Mr. Isserman: —upper right before.

I object to the offer of Exhibit 184 for identification.

Mr. McGohey: 184.

Mr. Isserman: I would like to state my grounds—184—I would like to state my grounds, if I may.

The Court: I don't think it is necessary. I am going to allow it because of the testimony of the witness (T-9157) relevant to it. If he had refrained from commenting, as he is so free to do, it would not have been admissible.

Colloquy of Court and Counsel

Mr. Isserman: I would like to state why it is not admissible in any event.

The Court: No, I don't want to hear argument.

(Marked Government's Exhibit 184-A in evidence.)

Mr. Crockett: If your Honor please, on behalf of the defendants whom I represent, I move to strike that exhibit. I would like to state my grounds.

The Court: No, it isn't necessary. I will deny the motion.

Mr. Isserman: In connection with the Court's comment, which indicated that the exhibit was being offered as a sort of punishment of the witness—

The Court: Sort of punishment of the witness, Mr. Isserman? I simply cannot understand your making such a statement. The witness made a statement gratuitously to the jury as to what he said was in the article, and that's why I am letting Mr. McGohey put it in, to show what really was in there.

Now how you can conceivably state that I am trying to punish somebody I really—you shock me with such statements as that.

Mr. McGohey: Now, your Honor, may I be heard on that?

(T-9158) Mr. Isserman: Your Honor, if the remark will be read back it will be noted.

The Court: Well, I don't know what you mean by punishing anybody. Nothing could have been further from my mind than doing any such thing as that.

Mr. Gladstein: Your Honor, may I point out that only if Mr. Green misread—

The Court: I think perhaps—well, if you desire to make some argument I suppose I can excuse the jury, but I do not think it is going to be necessary. The point doesn't seem to me to be of such importance as to warrant it.

Mr. Isserman: Well, I think the matter in the article is of importance and should not be admitted, and it is prejudicial, and I ask the Court to reconsider its ruling.

*Excerpts From Government's Exhibit 184-A,
Read into Record*

The Court: Well, I have given it sufficient consideration. I will allow it.

Go ahead, Mr. McGohey.

Mr. McGohey: May I read it?

The Court: Yes.

Mr. McGohey: Reading from Government's Exhibit 184-A, which is a story appearing on page 5 of the Daily Worker, "Central Organ of the Communist Party" of the United States of America for Saturday, June 4, 1932. (T-9159) The heading of the article is, "'Glad to get Daily' Writes Negro Worker; Foster's Book with 1 Year Sub":

"Negro and white workers alike are beginning to realize that the Daily Worker, leader and organizer of the American masses, points the only way out of their misery—the revolutionary way. The following letter from a Negro worker in Jacksonville, Florida, hotbed of reaction, proves this:

"As a friend to my race and the cause you and your paper espouse, I am writing,' begins the letter. 'A few days ago'"—

this continues the quote—

"someone, a white man, stopped in my place, as I had stepped out for a minute and left me a copy of the Daily Worker. I was glad to get it. I read it, am reading it yet, every line and page. We down here need Communism and what you all are doing for our race up there.'

"Workers!"—

that is the quotation from the letter—

"Workers! The Daily Worker is the guiding spirit of your class struggles! Read it and pass it along to your fellow workers and subscribe for a month, six months or a year. With a yearly subscription you are entitled to a free copy of (T-9160) William Z. Foster's latest book, 'Toward Soviet America.' Write to the Daily Worker, 50 East 13th Street, New York City, today for a subscription and a copy of this splendid book by Comrade Foster."

Colloquy of Court and Counsel

By Mr. McGohey:

Q. Now in May of 1932, Mr. Green, didn't Earl Browder recommend Foster's book "Toward Soviet America" in a review which was published in the Daily Worker?

Mr. Isserman: I object to that question, and I would like to state the grounds of my objection.

The Court: I will hear you.

Mr. Isserman: I object on the ground that it is improper cross-examination; it is not material nor relevant; it is outside the scope of the indictment; it is a matter which occurred eight years prior to the passage of the Smith Act under which this indictment is brought; it is remote and prejudicial.

The Court: Overruled.

Mr. Gladstein: Your Honor, may I add a recommendation as ground, that a recommendation—

The Court: You desire to add something, Mr. Gladstein?

Mr. Gladstein: Will you permit me?

The Court: You may do so.

Mr. Gladstein: I want to add the further ground (T-9161) that a recommendation of the book is in no sense the same as in legal contemplation and advocacy of views or doctrines or teachings, and if the law were otherwise then nobody could recommend any book in any column of any newspaper.

The Court: Well, isn't it the official organ?

Mr. Gladstein: It doesn't matter, your Honor. The New York Times is the official organ of whatever owns the New York Times, but if they had to stop recommending books, which they do—

The Court: You say it doesn't matter. I will allow it. I will overrule the objection.

Mr. Gladstein: May I add just one thing more?

The Court: All right.

Mr. Gladstein: Your Honor must consider, for example, that universities and colleges and classrooms and teachers recommend for reading all sorts of books. How can—

The Court: I say, this is the official organ, according to the testimony here, of the Party.

Gilbert Green—Defendant—Cross

Mr. Gladstein: Yes, but the official organ, even if we assume that to be so, official and central organ, then can recommend books for reading which do not necessarily reflect their advocacy and teaching.

The Court: It is a matter of inference, and (T-9162) it seems to me it is not a vital part of the case anyway.

Now read the question to the witness.

(Question read as follows: "Q. Now in May of 1932, Mr. Green, didn't Earl Browder recommend Foster's book 'Toward Soviet America' in a review which was published in the Daily Worker?")

A. I don't have that kind of a photographic memory that could remember 17 years ago a review appearing in regard to some book.

Q. What position did Earl Browder hold in the Communist Party in May of 1932?

Mr. Isserman: I object to that question.

The Court: It has been asked; I will sustain the objection.

(T-9163) Mr. McGohey: I asked Foster's position I think, your Honor; not Browder's.

The Court: I thought he said—maybe I am thinking of a later period. I better allow the question if there is any doubt about it.

Mr. McGohey: I had asked this witness what position Foster held and he answered with respect to that. I just asked him now what position Mr. Browder held.

The Court: Maybe you asked him if he was editor-in-chief of the Daily Worker and he said he didn't remember.

Mr. McGohey: That is right.

Mr. Isserman: He said he knew him as a member of the Party but my objection is based on that ground as well.

The Court: I will allow it.

Mr. McGohey: I will withdraw it and ask this question:

Gilbert Green—Defendant—Cross

Q. Wasn't Earl Browder the general secretary of the Communist Party in May of 1932? A. I believe he was, but I am not certain if he became general secretary prior to that time or shortly afterward, but I believe he was.

Q. Didn't he at that time hold the highest position in the Communist Party? A. If he was general secretary of the Communist Party at that time general secretary was the leading executive post.

(T-9164) Mr. McGohey (To clerk): Will you just mark these.

(Marked Government's Exhibit 185 for identification.)

The Court: Is this the same one that was introduced earlier, Mr. McGohey, or a different one?

Mr. McGohey: Oh no, that is a different one, your Honor.

(Mr. McGohey steps up to the bench and indicates.)

Q. Mr. Green, I show you Government's Exhibit 185 for identification and I call your attention to page 8.

Mr. Isserman: May I have the date of that exhibit, please?

Mr. McGohey: It is a copy of the Daily Worker, Saturday, May 28, 1932.

Q. (Continuing) I ask you if that exhibit doesn't refresh your recollection as to whether or not Mr. Browder reviewed and recommended the book of Mr. Foster "Toward Soviet America" in that issue?

Mr. Isserman: I object to the question on the ground previously urged.

The Court: Overruled.

A. I don't have any recollection of this issue but I assume that he did.

Q. Didn't you read that review by Mr. Foster at that (T-9165) time in the Daily Worker? A. I may have; I don't recall 17 years ago.

Gilbert Green—Defendant—Cross

Q. Review by Mr. Browder I mean. I think I said Mr. Foster. I ask you if you didn't read that at that time?

A. I don't recall whether I read it or not. I don't have that kind of a memory. I read a lot of things constantly.

Q. Do you say that this does or does not refresh your recollection as to whether or not Mr. Browder reviewed Mr. Foster's book "Toward Soviet America" in May of 1932? A. As far as my independent recollection as to whether he reviewed the book I have no such recollection.

Q. Then the answer to that question is that it does not refresh your recollection? A. No.

Q. In 1932 The Communist was the official theoretical organ of the Communist Party, was it not?

Mr. Isserman: I object to that question.

The Court: Sustained. That is repetitious, I think.

Q. Now isn't it a fact that in 1932, particularly June 1932, that The Communist carried an advertisement of Foster's book "Toward Soviet America"?

Mr. Isserman: I object to that question.

The Court: I will allow it.

(T-9166) A. I assume it did, but I don't recall.

Q. Now I ask you whether or not The Communist in that month of June 1932 didn't describe Foster's book "Toward Soviet America" as an authoritative presentation of the program and policies of the Communist Party of the USA?

Mr. Isserman: I object to that.

The Court: Sustained.

Q. Mr. Green, I show you Government's Exhibit 51 for identification—51 in evidence, rather, and I direct your attention to the last page of this exhibit (handing), and that Exhibit 51, Mr. Green, is the Outline on Marxist-Leninist Fundamentals for Class Use and Self Study issued by the State Education Commission of the Illinois District Committee. You testified here that you had used that outline in some teaching of classes that you conducted. A. Yes, I used portions of the outline.

Gilbert Green—Defendant—Cross

Q. Now I call your attention to the last page and I ask you if you did not find there among the suggested reading a book by William Z. Foster entitled "From Bryan To Stalin"?

Mr. Isserman: I object to that. The exhibit in evidence speaks for itself.

The Court: Yes. Is that just a preliminary to something?

Mr. McGohey: It is, your Honor.

(T-9167) The Court: I will allow it.

A. I see it listed here under "Additional reading for future self study."

The Court: Which is the one you are talking about? Foster's "From Bryan To Stalin"?

Mr. McGohey: Yes.

Q. I show you this book, Mr. Green, and ask you if that isn't the book "From Bryan to Stalin" which is recommended in the outline, Government's Exhibit 51? A. It is.

Mr. McGohey: Now if the Court please, I offer in evidence from this book "From Bryan To Stalin" the following pages: page 152, the first full paragraph; all of pages 159 to 160 inclusive—

Mr. Gladstein: 160?

Mr. McGohey: 150 to 160 inclusive. And page 282—the first paragraph on page 282.

Mr. Isserman: What was that on page 282?

Mr. McGohey: The first paragraph on page 282.

Mr. Isserman: May I see the exhibit for a moment?

Mr. McGohey: There it is (indicating). Oh, you want the outline?

The Court: Yes, you may see it.

Mr. McGohey: You have a copy of the exhibit, (T-9168) haven't you?

Mr. Isserman: I have.

The Court: Is that the same book Mr. Green has referred to there?

Mr. McGohey: We understood the witness said it was.

Colloquy of Court and Counsel

The Witness: It bears the same title.

Mr. McGohey: If the Court please, I asked that specific question and the answer was that it is.

The Court: You now say you don't know?

The Witness: No; it bears the same title. I assume it is.

The Court: Didn't you ever see the book before?

The Witness: Oh well, I saw the book years ago, yes. I didn't use it—the last lesson in this outline, I didn't teach that lesson, and I didn't use that book in connection with it.

The Court: All right.

(T-9169) Mr. Isserman: Do you include all of 160, Mr. McGohey?

Mr. McGohey: Yes.

Mr. Isserman: The page ends in the middle of a word.

Mr. McGohey: No; I desire, your Honor, to amend the offer to make the part on page 160 terminate at the end of the paragraph which is carried over from page 159, so that it would eliminate the first full paragraph on page 160, and I thank Mr. Isserman for calling my attention to the incomplete offer.

Mr. Isserman: I thought that was carrying emasculation a little too far.

The Court: Yes. Well, that was a good point you made.

You know, you had better control Mr. Davis there. He is making me laugh, watching him laugh.

Mr. Isserman: I think this is a case of the tragic extended to the comic.

The Court: I know; it isn't hurting anybody and it is perfectly all right. So don't let's get something started here.

(A pause.)

Mr. Gladstein: Mr. McGohey, is that 282 or 252?

Mr. McGohey: 282.

(T-9170) Mr. Isserman: If the Court please, I object to the offer of the—has the exhibit a number?

The Clerk: Not as yet.

Colloquy of Court and Counsel

The Court: It hasn't been given a number yet but you may object just the same.

Mr. Isserman: I object to the offer of the book "From Bryan to Stalin," by William Z. Foster, in which, out of some 352 pages, there is an offer of four paragraphs, not contiguous, one on page 152, consisting of six lines, two paragraphs on pages 159 and 160, and one paragraph on 282, and in objecting I wish to point out the additional grounds that the outline—

The Court: Do you desire my leave to make an argument?

Mr. Isserman: May I state the grounds—

The Court: Yes.

Mr. Isserman: —without arguing?

The Court: Make it as brief as is consistent with the statement of your grounds.

Mr. Isserman: I did not hear the last remark.

The Court: I say, make the statement as brief as is consistent with the statement of the grounds.

Mr. Isserman: I will do that. I wish to repeat the grounds that I stated in connection with the previous exhibit and wish to add to that the fact that the lesson (T-9171) referred to is one which deals with the Communist Party as such, and the two quotations from the book on page 152, and 159 and 160 are on a chapter entitled "Communist International," and there is already evidence in this case that the Communist International had been dissolved and that the Communist Party in 1940, prior to the dissolution of the Communist International, had disassociated itself from the Communist International.

The Court: Why were they teaching these workers this business?

Mr. Isserman: And my further grounds —

The Court: I say, but if there is anything in that, why were they teaching these people in these schools—

Mr. Isserman: I think this will answer your Honor's question, my further ground, the book is suggested for self-study and for reading in its en-

*Excerpts From Government's Exhibit 186-A,
Read into Record*

tirety and from the standpoint of the historical development of the Communist Party, which is indicated in the paragraph on 282, and I say that the partial offer under these circumstances of a book recommended for self-study and reading, in addition to the other grounds, violates the rights of the defendants under the First Amendment as well as the other grounds which I have stated.

The Court: All right, let me look at it.

Mr. Isserman: I think I noted that I object (T-9172) to the partial introduction of a few paragraphs.

(Book handed to the Court.)

The Court: I will overrule the objection.

(Book marked Government's Exhibit 186 for identification.)

The Clerk: 186-A, page 152, as indicated; 186-B, pages 159 and 160, as indicated; 186-C, page 282, as indicated.

(Marked Government's Exhibits 186-A, 186-B and 186-C, in evidence.)

Mr. McGohey: May I read now to the jury, your Honor?

The Court: Yes, you may.

Mr. McGohey: Ladies and gentlemen, I am reading from this book entitled "Bryan to Stalin," by William Z. Foster. The first portion in evidence is Government's Exhibit 186-A.

(T-9173) "But here is not the place to give a detailed presentation of Lenin's role or the principles of Communism. In my book, Towards Soviet America, I have tried to give an outline of the methods and objectives of the Communist movement. Now I can only mention some of the major points developed by Lenin in his struggle against social reformism and for a revolutionary movement."

*Excerpts From Government's Exhibit 186-B,
Read into Record*

Then going over to Government's Exhibit 186-B, from page 159 of the same book by Mr. Foster, "From Bryan to Stalin":

"Although I was, in 1921, deeply certain that the Russian workers had found the way to Socialism and eventual Communism in Soviet Russia, I was not by that fact alone convinced that the Communist program for achieving Socialism was necessarily the best one for other countries, especially the United States. On the contrary, I weighed every phase of it in the light of American conditions and my own long experience in the class struggle. And the final result was that in Leninism I found the answer to every major revolutionary problem.

"To begin with, I did not have to be convinced in principle of the necessity for a revolutionary struggle to overthrow capitalism. A dozen years (T-9174) earlier I had recognized the futility of the Socialist Party's policy of trying to transform capitalism into Socialism through piecemeal reforms, and my whole conception of Syndicalism, even in its most opportunistic phases, had been based upon the proposition of smashing the power of the capitalists by the workers' superior force. All my experience in the class struggle fighting the cold-blooded, autocratic and ruthless American trusts had ground into my very being the realization that the ruling capitalist class will never allow itself to be talked, bought or voted out of power, but will proceed to any extreme of violence to maintain its control. But Communism taught me many vital lessons regarding the forms and methods of carrying on this revolutionary struggle, including the policy of transforming an imperialist war into a revolutionary war against capitalism, the combination of revolutionary agitation and struggle with the daily fight of the workers for immediate demands, the united front of the workers and peasants; these policies had been so brilliantly illustrated in the Russian revolution, and all of them, with adaptations to local situations, are applicable and indispensable in every capitalist country."

*Excerpts From Government's Exhibit 186-B,
Read into Record*

And Exhibit 186 from page 282 of the book—

(T-9175) The Clerk: 186-C.
Mr. McGohey: —“From Bryan to Stalin,”
“Chapter XVI The Communist Party

“In the space of this chapter I can outline only the main course of development of the Communist Party of the United States. For further details of the Party's program, policies, and activities, the reader is referred to the books, Communism in the United States and What Is Communism, by Earl R. Browder, and also my book, Towards Soviet America. Likewise, here I can make only the briefest mention of my own role in the building of the Party. Let me cover this angle by stating simply that I have been a member of the Central Committee ever since I joined the Party in 1921, that I have been its chairman twice, that I was its presidential candidate in 1924, 1928 and 1932, that I was candidate for Governor of New York in 1930 and that I have been in the thick of the Party work from 1921 on. I have also been honored, for a number of years past, with membership in the Executive Committees of the Communist International and of the Red International of Labor Unions.”

By Mr. McGohey:

Q. Now, Mr. Green, you have testified here in the (T-9176) early part of your cross-examination that you used a false name to get a job back in Chicago, and I think you testified that that was the only time that you had ever used a false name; is that correct? A. No, it is not correct.

Q. You used it at other times? A. I said I used false names in seeking employment, and I have traveled incognito, that is, what I mean by that I have registered in hotels at different times under assumed names so as not to have my room tapped, the wire in my room, and the walls of my room by the FBI, so that I could talk in private to some people.

Q. Did you use a false name to avoid arrest after you were indicted in this case?

Gilbert Green—Defendant—Cross

Mr. Isserman: I object to that question.
The Court: I will allow it.

A. I did not. I turned myself in in Chicago after I learned that I was indicted. I went voluntarily and turned myself in to the Federal headquarters in Chicago.

Q. When did you do that? A. I don't recall the exact date but I would say approximately a week after the indictment.

Q. Where were you on July 20, 1948, when the indictment here was returned against you?

Mr. Gladstein: I object to that as immaterial.
(T-9177) The Court: Overruled.

A. I was on vacation.

Q. Where?

Mr. Isserman: I object to that question.
The Court: Overruled.

A. In Wisconsin.

Q. Will you tell us how long it was after July 20, 1948, that you surrendered in Chicago? A. I said it was approximately a week.

Q. Might it have been ten days? A. It might have been; it might have been a week, it might have been nine days, eight days, ten days.

Q. Now when you surrendered in Chicago you didn't agree to come to New York and face these charges, did you?

Mr. Isserman: I object to that question.
The Court: Sustained.

A. I don't—so far as I am concerned—

The Witness: (To the Court) Oh, I am sorry.
I am so surprised to have a defense—

The Court: Now, Mr. Green, you are seemingly incorrigible, but I suppose there is nothing to do but take it good naturedly.

Strike out that comment.

(T-9178) Q. When did you first learn of the indictment, Mr. Green?

Gilbert Green—Defendant—Cross

Mr. Isserman: I object to that.
The Court: Overruled.

A. A few days before I came in to Chicago.

Q. You didn't surrender right away, then, as soon as you found out about it, did you?

Mr. Gladstein: I object to that.

Mr. Isserman: I object to that question. No bearing on any issue in this case.

The Court: I will sustain the objection to the question on the ground it is repetitious. He just said that he didn't.

Mr. McGohey: The reason I asked the question is that my understanding of the answer before was that as soon as he found out about it he came in and surrendered himself.

The Court: I don't think he said that.

Mr. McGohey: I will accept your Honor's recollection of it, then.

Q. Shortly after you did surrender in Chicago, did you come to New York? A. Yes, and that same night I appeared at Madison Square Garden on the platform and was introduced to the audience.

Q. When you came in to New York you lived at a hotel, (T-9179) didn't you?

Mr. Isserman: I object to that question.

A. Yes.

The Court: Overruled.

He really doesn't seem to realize you are there,
Mr. Isserman.

(To the Witness) Why don't you stop doing that, Mr. Green? You just keep it up all the time and it doesn't do you a bit of good.

Q. You say you went to a hotel and registered under a false name?

The Witness: Was the objection sustained or overruled? I don't know now.

The Court: Well, I don't know either.

Gilbert Green—Defendant—Cross

Mr. McGohey: I think the record will show, your Honor, that your Honor overruled the objection.

The Court: I think he answered the question. Very well, what is the answer? This is the one about did he go to a hotel and register with a false name, is that the question?

Mr. McGohey: Yes, your Honor.

The Court: Did you or did you not?

The Witness: Yes, I did.

Q. What name did you register under?

Mr. Gladstein: I object.

(T-9180) The Court: Overruled.

A. I think it was George Greenberg.

Q. It wasn't Gilbert Green, was it? A. No.

Q. Nor George Gilbert either? A. No, it wasn't.

Q. What address did you give?

Mr. Isserman: I object to this question.

The Court: I will overrule it.

A. Some Detroit address.

Q. Not your correct address? A. No.

The Court: A Detroit address?

The Witness: Yes. I didn't want to be molested by FBI agents and snoopers of the newspapers. My ten-year old son was coming in from camp to visit me.

The Court: Didn't you know then you were under indictment?

The Witness: I had surrendered previously in the City of Chicago and come out on bail of \$5,000, and the first thing I did I went to a meeting at Madison Square Garden.

The Court: The second thing you went down to this hotel and registered under a false name.

The Witness: That is right. I wanted some privacy.

The Court: We will recess—

Colloquy of Court and Counsel

(T-9181) *By Mr. McGohey:*

Q. You didn't want to be arrested, did you? A. I had turned myself in and laid down \$5,000 bail.

Q. Not to come to New York? A. That is why I went to Madison Square Garden.

The Court: Wait a minute, gentlemen.

Mr. Isserman: I thought your Honor had recessed.

The Court: I was just about to say we are going to have a recess until 2.30, and then we can pursue the subject this afternoon.

(Recess to 2.30 p. m.)

(T-9182)

AFTERNOON SESSION

The Court: (To the clerk) And where is Mr. Isserman?

Mr. Gladstein: He is in with the defendants who are in custody, your Honor.

(Mr. Isserman enters the courtroom.)

The Court: Let the record show that the jury is present, and the defendants, and the attorneys for the defendants, with the exception of Mr. Sacher and Mr. McCabe, with respect to whom the usual stipulation has been signed and filed, and the attorneys for the Government are present.

Very well.

Mr. McGohey: I have completed my examination, your Honor.

Mr. Isserman: If the Court please, in view of the fact that some 13 or 14 exhibits were introduced on the cross-examination and some of them of—several being books with a great many pages in, in view of the fact that we have not had copies of these exhibits available overnight, and in view of the difficulty of consultation overnight, and in view of the exhibits which were put in in the course of today, on which I have had no chance to consult with my

Colloquy of Court and Counsel

client in respect to redirect, in view of the fact that the exhibits go back to 1932 or earlier (T-9183) and were not anticipated by—neither by my client nor by myself, I ask for a reasonable period in which to go over these matters with my client before redirect.

The Court: Well, as to some of those exhibits with respect to which you might want to offer parts of the books or pamphlets in modification or explanation of what has already been offered, that may be done later. As to the other matters, you must proceed now with your redirect examination.

Mr. Isserman: There is also, in the same connection, if your Honor please, a problem, a very real one, of preparing the material which my client tells me is available in answer, but which we could not get either since last night or this morning because of all the circumstances of this case.

The Court: If the redirect is anything approaching what the direct examination was, I think you may proceed for this afternoon and we will have ample time to pursue—

Mr. Isserman: The redirect, if the Court please, will not approach the direct either in quantity or in extent. It will be relatively short and my feeling is that a recess will shorten rather than lengthen it.

(T-9184) The Court: No, I will not do that.

Mr. Isserman: I ask it on the ground that to make us proceed at this time would be a lack of due process in respect to redirect examination in view of all the circumstances in this case.

The Court: The application is denied except, as I said before, with respect to such portions of books or pamphlets or other written evidence as you may desire to offer portions which haven't been received in evidence; that may be done later.

Mr. Isserman: Now, if the Court please, I make my last request, if I may, for an adjournment—not an adjournment but for a recess of half an hour, which would be very helpful in the—

The Court: No.

Mr. Isserman: —preparation, although not adequate.

Gilbert Green—Defendant—Redirect

The Court: No, I will not grant any more of those adjournments.

Mr. Isserman: Then I will proceed under protest, if the Court please.

The Court: Very well.

(T-9185) GILBERT GREEN, resumed the stand.

Redirect examination by Mr. Isserman:

Q. Mr. Green, in respect to the incident which occurred in New York some time after July 20th and to which—concerning which you were testifying when the noon recess took place, would you tell us approximately—would you tell us whether or not you had furnished bail for your appearance prior to your going from Chicago to New York?

The Court: For his appearance in New York?

Mr. Isserman: For his appearance in connection with the trial.

Q. Were you—I withdraw that question.

The Court: I do not think it means very much.

Q. When you left from Detroit to New York, were you out on bail?

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

The Court: I sustain the objection. I think that is a little misleading, Mr. Isserman. He testified, as I remember it, that he was—that he voluntarily surrendered himself in Chicago. Now I don't know what—whether you are asking him about whether he went on bail to respond to Chicago or on bail to respond here in New York.

Mr. Isserman: I am asking him first whether when (T-9186) he left from Detroit to New York he was at liberty, whether he was out on bail at that time.

Gilbert Green—Defendant—Redirect

Mr. McGohey: I object, your Honor.
The Court: I sustain the objection.

Mr. Isserman: I might say so far as that situation is concerned, that is the precise reason I asked for an adjournment so I could check into the matter. There are court records that I have not had a chance to study—

The Court: Well, I never heard anything about the matter until this morning, until about five minutes before lunch, and I feel I am sufficiently acquainted with it now.

Mr. Isserman: But your Honor doesn't have to conduct this redirect examination.

The Court: There is no difference between one and the other.

Mr. Isserman: But your Honor doesn't have to conduct this redirect examination.

The Court: No, and I don't desire to.

Q. Mr. Green, when you arrived at New York you were staying—you registered at a hotel? A. I did.

Q. And you had appeared in Madison Square Garden at a public rally? A. I did, on a platform.

Q. And about how many people were in the Garden on (T-9187) that occasion? A. The hall was packed to capacity; it was about 18,000.

Q. Did you speak at that meeting? A. No, but I was introduced to the audience.

Q. And in what way were you introduced to the audience? A. As one of the defendants, as one of those who had been indicted.

Q. Now you testified that subsequent to that meeting you went to a hotel, is that correct? A. That is right.

Q. And was the Communist Party at that time holding a convention in this city? A. It was.

Q. And were you attending that convention? A. I was.

Q. Now were you arrested while you were at the hotel? A. I was.

Q. Will you give us the circumstances of that arrest? A. I registered at the Riverside Hotel, which was the hotel at which the convention was taking place. I had previously surrendered in Chicago and been released on \$5000 bail.

Gilbert Green—Defendant—Redirect

The Court: Now you know that is just what I sustained an objection to a moment ago, Mr. Green. You know there have been many times when a question has been asked, I have sustained an objection and then the next question that is put to you you pull that matter right in by the heels.

Now strike that out.

(T-9188) Mr. Isserman: I object to the Court's order striking it out.

The Court: Very well.

Mr. Gladstein: I object to the language used by the Court.

The Court: Very well. The objection is overruled.

Q. Now, would you proceed, Mr. Green. A. I participated in the convention and the reports in the Daily Worker contain stories to the effect that I was there and participating.

On the second night or so that I was at the hotel Mr. Unger and Mr. Freedman, two attorneys—

Q. Were they representing you at the time? A. They were.

(Continuing) —reached me in my hotel room and told me that the U. S. Attorney—

Mr. McGohey: Object to anything that they told him, your Honor.

The Court: Sustained.

Mr. Isserman: I think the jury should hear all the circumstances of this incident. The matter was opened by the Government.

The Court: I don't see what bearing the conversation has on the matter.

Q. Did you receive any notice on that day to appear (T-9189) at the U. S. Attorney's office the next morning?

A. Yes, I was told to appear the next morning at 10 a. m.

Q. Now did you appear the next morning at 10 a. m.?

A. I appeared at 10 a. m., but—

Q. What happened at that appearance? A. At 7.30 in the morning as I was taking a shower the two FBI agents

Gilbert Green—Defendant—Redirect

entered my room and confronted my 10-year old son with a demand for me. When I came out of the shower room I was told that there was a warrant out for my arrest, that I was to go immediately to the Federal Court House. I informed the two agents that I had surrendered voluntarily in Chicago and that furthermore my attorneys had told me I was wanted at the Federal Court House at 10 a. m., and I was preparing to come down. They said they knew nothing of the facts; all they knew was that they had a warrant for my arrest.

I then insisted upon making some arrangements for my son.

Q. Were you alone with your son at the time? A. I was.

Q. How old was he? A. He was 10. He had come in just the day before from a camp and his home was in Chicago and not here.

Well, first there was some argument over that, and finally I refused to leave until I had made some (T-9190) arrangements and I was given permission to call some other friend in the hotel, inform that person of my plight and ask him to come and take charge of the boy. That was done, and a person that the boy didn't know took him over in his own care and I went down with the two agents to the Federal Court House.

Q. And what happened there? A. What happened there was that I was released I would say about a half hour or an hour after that and that is the end of the story.

Q. Did you in connection with that incident have any intention not to appear in this proceeding when you were wanted?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you have any intention not to obey the process of the court in connection with your appearance here?

Mr. McGohey: Objection.

The Court: Sustained.

Q. And you were out on bail during that time until you were remanded in this case? A. I have been out on

Gilbert Green—Defendant—Redirect

bail from the time I surrendered in Chicago originally until the time I was remanded.

Mr. McGohey: What bail are we talking about?
The Court: Yes, that is that same matter.

(T-9191) *By the Court:*

Q. Mr. Green, is it the fact that when you gave your bail in Chicago it was merely to appear in Chicago? A. Your Honor, I don't know what arrangements my attorney made. All I know is that the bail of \$5000 was put out and a day or so after that I went to New York to attend a national convention of the Party.

Q. If you surrendered voluntarily in Chicago I don't understand why you weren't sent right on here to New York. You were indicted in New York.

Mr. Isserman: I object to that. It calls for some legal conclusions and I haven't had time to look into the legal papers concerning the posting of bail.

The Court: I noticed this morning Mr. McGohey asked a question as to whether there was some proceeding there in Chicago and I sustained an objection to it because I thought it was not material.

Mr. Isserman: I still think it was not material.

The Court: Now that this matter has taken this different turn I think it is very material, the point having to do with going to this hotel and registering under a false name under the circumstances brought out here. However, that matter can be gone into later.

The Witness: May I say a word, your Honor?

The Court: I am a little reluctant, Mr. Green, (T-9192) but I say yes.

The Witness: It will only be a word, and that is this: if I had any intentions not to surrender would I have surrendered in the first place and handed out \$5000 in Chicago and then would I have proceeded to New York and appeared at Madison Square Garden and appeared in public on the platform and then gone to the convention, had my name in the newspapers the following day as being at

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the convention participating in it and staying at the hotel at which the convention was at?

The Court: That is a rhetorical question.

By the Court:

Q. Here is the question: if you were resisting proceedings in Chicago to be brought to New York that would be one thing. But if you were not resisting proceedings it would be different. That is the question put to you by Mr. McGohey, the objection to which I sustained because I thought it had no bearing on the issues. Now it seems to have a bearing and that is something your attorney, Mr. Isserman, will inquire into.

Mr. Isserman: I must object to the characterization of the Court.

The Court: You understand that certain proceedings have to take place to bring a man from one part of the country to another.

(T-9193) Mr. Isserman: I do not understand what the situation is in this case.

The Court: You go ahead and develop it.

Mr. Isserman: That is one reason I asked for time so I can present these matters at one time.

The Court: It is strange that you happen to bring up the one thing you do not know about first. There must be a lot of other matters which you do know about.

Mr. Isserman: But not adequately as I pointed out.

The Court: We will see.

By Mr. Isserman:

Q. Mr. Green, when you left Chicago to go to New York to attend the convention were you advised by anyone that you had no right to go to New York?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you put up new bail when you appeared in the Federal Court at 10 o'clock on the morning of that arrest?

A. Yes, there was new bail put up here.

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Q. What happened to the old bail? A. The money was returned.

Q. Did anyone advise you— A. At least I assume that. I don't know it of my own personal knowledge.

Q. Did anyone advise you before you left Chicago (T-9194) that you should go to New York and report here?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Mr. Gates, in yesterday's cross-examination—I am sorry, I withdraw that.

Mr. Isserman: I was looking at a note concerning Mr. Gates.

Q. Mr. Green, in yesterday's cross-examination there was read to you the testimony of Mr. Gates in connection with the war in Europe on page 6520 and 6524 of the transcript and thereafter there was read to you a portion of *JJJJJ*, a portion out of Lesson III, paragraph 21, concerning a speech—a quotation from a speech made by Mr. Stalin on February 1, 1946, and you were asked by Mr. McGohey if you agreed with one or the other of these statements. I believe your answer was that you agreed with both and wanted to make an explanation, is that correct?

A. That was my answer.

Q. Now what is your explanation of your statement that you agreed with both the statement of Mr. Gates which appears in the record as I have indicated and the quotation from the speech of Mr. Stalin in *JJJJJ*? A. My explanation is the following: that Mr. Stalin was referring to the second World War as having broken forth at that stage when the Soviet Union and the United States became involved and that prior to that time there were two wars, a European war and a war in the Far East, but not as yet a second World War.

(T-9195) Q. I call your attention to *JJJJJ* and to page 21, which contains—and 22—which contains an excerpt from a speech by Stalin to his electors February 10, 1946, and ask you if on occasion you have seen that speech and read it? A. I have—pardon me, but this is not the speech here.

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The Court: Just a quotation.

Mr. Isserman: Quotation.

The Witness: Oh, I want to find that, to be sure.

The Court: You see, the top of page 22, "Speech of Stalin to his electors February 10. 1946," indicating that what goes before it in quotation marks is taken from the speech.

The Witness: Yes, this a quotation from that speech.

Mr. Isserman: I would like to have this marked for identification.

(Marked Defendants' Exhibit 8 x H for identification.)

Q. Was there anything in the text of the speech by Mr. Stalin as you read, which indicates the time when World War II commenced?

Mr. McGohey: Objection.

(T-9196) The Court: That is, in this speech that is quoted from in this—

Mr. Isserman: That is correct.

The Court: —Exhibit JJJJ?

Mr. Isserman: My reference is to that speech.

The Court: I will allow it.

A. There is a portion there that refers to the time when it became the Second World War.

Q. And can you tell us what he said in respect to the time when the Second World War began? A. Well, I prefer to have the speech in front of me in order to state exactly.

Q. Would that refresh your recollection? A. It would.

The Court: You were familiar with that when you were testifying on cross-examination, were you—with this speech?

The Witness: I had read it before, yes.

The Court: And had it in mind?

The Witness: In a general way.

The Court: All right.

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Q. Now I show you 8 x H for identification, and ask you if that pamphlet contains the speech of Mr. Stalin to which you have reference? A. It does. There is one point I would like to (T-9197) make here and that is, in one place it is marked as a speech—

Mr. McGohey: I object to anything coming out of an exhibit unless it is in evidence.

The Court: What have you got your lawyer for, Mr. Green? He will take care of all those things. He knows what is in there.

The Witness: I am not going to refer to anything in the speech.

The Court: Well, but you keep treating this as though this were some meeting where every time you wanted to say something, it was all right. This is a court of justice, to be handled just the same as all other courts and when a man is in the witness box, he waits until somebody asks him a question and then he gives an answer.

Mr. Isserman: If the Court please, this arises out of the inadequate time we have had in preparation of this material.

Mr. McGohey: Oh, your Honor, I object to this.

The Court: It seems as though he had been doing it so often. He did it a lot of times when there wasn't any inadequate time.

Mr. McGohey: The witness just answered, your Honor, that he had the speech in mind when he was answering (T-9198) my questions on cross-examination.

The Court: Yes.

Mr. Isserman: He had not had a chance to look at it.

The Court: If you want to approach the witness box and talk to the witness and ask him off the record what he wants to bring out, I will permit you to do it.

Mr. Isserman: Thank you.

(Mr. Isserman approaches the witness box.)

The Witness: One place it is marked "February 10th" —

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The Court: This is off the record, Mr. Reporter.

(Conversation between Mr. Isserman and the witness.)

Mr. Isserman: If the Court please, the witness calls attention to the fact that in one place the date is February 9th and the other it is February 10th, but it is the same speech. I think he didn't want to have that inaccuracy appear.

Q. Now, using the speech to refresh your recollection, will you tell us what Mr. Stalin said about the beginning of World War II in connection with the time it began?

Mr. McGohey: Objection.

The Court: I am just trying to think, Mr. McGohey, which will take less time, whether I ask him to mark the (T-9199) part of the speech and put it in evidence or have the witness describe it. Earlier I thought I would save a little time by letting the witness give his explanation and then he took so long that I now am of two minds.

Mr. Isserman, how much of that speech there relates to this, about half a page?

Mr. Isserman: The particular portion I have in mind is about two and a half lines.

The Court: Then I think it would be better if you would just take it and read the two or three lines right into the record yourself.

Mr. Isserman: May I do that?

The Court: Yes, you may do that.

Mr. Isserman: Reading from page 12 of the exhibit:

"At any rate, our country's position in this respect before the Second World War in 1940 was several times better than it was before the First World War in 1913."

Q. When you testified that you agreed with both Mr. Gates' and with Mr. Stalin's statements, in your testimony, on the beginning of World War II, did you have in mind the entry of the Soviet Union into the world as commencing—

Mr. McGohey: "World"?

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Q. (Continuing) World War II in its full aspect? (T-9200) A. Well, I had in mind the fact that it did not become a second World War until it engulfed the major portions of the world.

Mr. Isserman: I would like to have this marked for identification (handing to clerk).

(Marked Defendants' Exhibit 8 x I for identification.)

Q. Mr. Green, did you in 1941 write an article dealing with the question of World War II? A. I did.

Q. Was the article published? A. It was.

Q. And where was it published? A. In a magazine by the name of Clarity, which was a theoretical magazine published by the Young Communist League.

Q. And was that article based upon any speech which you had made? A. It was.

Q. And where did you make that speech and when? A. The speech that I had delivered to either a meeting of the National Committee or a National Conference of the Young Communist League—

Q. And after its publication— A. —as a fraternal delegate there from the Communist Party.

Q. And after its publication was it circulated by the Communist Party? A. It was.

Q. I show you 8 x I for identification, which is the (T-9201) summer issue of Clarity, summer 1941 issue of Clarity; I call your attention to an article on pages 21 to 29 inclusive, entitled "Three questions concerning the war," and ask you if that is the article to which you had reference (handing to witness)? A. It is.

Q. And does this article deal with the character of the war? A. Yes, with the changed character of the war in different stages.

Q. Does it deal with the question of socialism in the war? A. It did.

Mr. Isserman: I offer it in evidence (handing to Mr. McGohey).

The Court: Pages 21 to 29.

Mr. Isserman: I think that is correct.

Colloquy of Court and Counsel

Mr. McGohey (After examining): That is objected to, your Honor (handing to the Court).

The Court: This deals with just and unjust wars, Mr. Isserman?

Mr. Isserman: It deals with the matter of World War II, with relation to the Marxist theories and to the witness's views and his expression of those views on World War II, and the change in position of the Communist Party as this witness delivered it in an address and as it was printed and published.

The Court: Mr. McGohey, what was that other (T-9202) document that was referred to some time as JJJJJ, when you were interrogating Mr. Green yesterday?

Mr. McGohey: I will have it for you in a minute.

Mr. Isserman: And might I say, too, that I think it covers the question of just and unjust wars as well.

Mr. McGohey: I think I was referring to some testimony by the defendant Gates.

Mr. Isserman: This witness was asked whether he agreed or didn't agree with certain—

The Court: Yes, but I have to recall what it was that Mr. Gates testified to.

Mr. McGohey: Just let me look at my notes a minute, your Honor.

The Court: Yes, I wish you would, Mr. McGohey. I would like to have that in mind before I examine this document.

* * *

Mr. Isserman: I think it is on page 6524, your Honor, of the transcript.

Mr. McGohey (After examining): If the Court please, Mr. Isserman is right. I had inquired first of Mr. Green about the testimony of Mr. Gates.

The Court: 6524.

(T-9203) Mr. McGohey: 6520—

Mr. Isserman: 6520 to -24 and beyond.

The Court: Now just let me glance at that.

Mr. McGohey: And then in connection with that I called his attention to JJJJJ.

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The Court: Yes, I remember that.

(The Court examines.)

Mr. McGohey: Is your Honor looking for the testimony of yesterday on this matter?

The Court: No. I think I have that in mind. He said he agreed with both of them.

Mr. McGohey: Yes, and he gave an explanation too, and that appears on page 9050 and on in the record.

The Court: Yes. (Examining) Yes, objection sustained.

Mr. Isserman: If the Court please, at this time I offer as a separate exhibit 8 x I for identification, the subject matter appearing under Roman numeral I in the article by Mr. Green.

The Court: What page is it?

Mr. Isserman: Called "The changed character of the war" on page 21 (handing to Mr. McGohey).

Mr. McGohey: And what is the end of it, Mr. Isserman? What is the end of the offer?

Mr. Isserman: All that appears under Roman (T-9204) numeral I which ends on page 25 in the righthand column.

The Court: 21 to 25?

Mr. McGohey (After examining): That is objected to, your Honor.

The Court: Sustained.

Mr. Isserman: Will you mark this for identification (handing to clerk).

(Marked Defendants' Exhibit 8 x J for identification.)

The Court: All right.

By Mr. Isserman:

Q. Before going into another matter, Mr. Green, I want to go into Exhibit 8 x I for identification again and ask you if you can tell us the approximate time when you delivered the speech to which you refer to the National Committee of the Young Communist League? A. The approximate

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time to the best of my recollection would be about July or August of 1941.

Q. Can you tell us what you said concerning the nature or character of the change in World War II?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you discuss World War II in that speech? A. I did.

(T-9205) Mr. McGohey: Objection.

The Court: Objection sustained. Strike out the answer.

Q. Will you tell us what you said in that speech to the National Committee of the Young Communist League?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you say anything in that speech about the liberating character of World War II from its outset?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. McGohey: May I state an additional ground of the objection now?

The Court: Yes.

Mr. McGohey: That it is leading. After three times having had the exhibit and the contents excluded now we are getting the testimony in the question.

Mr. Isserman: I prefer to get the speech.

The Court: I don't think that is a good objection. I think the other objection better. I don't think I would have sustained the objection merely on account of its being leading.

Q. Now Mr. Green, you testified yesterday that at a meeting of the National Board of the Communist Party you did not recollect, I believe you said, any discussion (T-9206) on the Schneiderman case in connection with the 23 questions which Mr. Foster answered and which were published?

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Mr. McGohey: I object, your Honor. That is not the testimony.

Mr. Isserman: That is my recollection of it in substance.

The Court: Well, it seems to me if there is any dispute about the exact testimony you can direct his attention to the matter without reciting your recollection of what he testified to. All you are doing now, as I take it, is directing his attention to the testimony he gave on cross-examination about the questions and the answers—am I right?

Mr. Isserman: That is right.

The Court: Very well.

Q. Now you recall the testimony you gave in connection with the lack of discussion on certain aspects of the Schneiderman case at the time the Foster answers to 23 questions were considered by the Board? A. Yes, I do.

Q. Now was there any discussion about the Schneiderman case prior to that time? A. There was.

Q. And, if so, will you tell us when and where? A. Well, the first rather lengthy discussion was shortly after the Schneiderman case decision was rendered (T-9207) by the Supreme Court.

Mr. McGohey: May we have the time, your Honor?

The Court: Yes.

Q. Remember what year that was? A. I believe that was in 1943.

The Court: This was discussion in the Board?

The Witness: That is right.

The Court: Of the Communist Party.

Q. Would you tell us what that discussion was?

Mr. McGohey: If the Court please, I object unless the place is fixed and who was there—who said what?

The Court: Yes.

Colloquy of Court and Counsel

Q. Would you tell us who was at the Board meeting and where it was held? A. Well, it was held at 35 East 12th Street, ninth floor.

Let me see, Mr. Foster was there, Mr. Browder, Mr. Dennis was there, Mr. Williamson, Mr. Stachel. I don't recollect who else was there.

Q. Now will you tell us the substance of the discussion?

Mr. McGohey: Objection.

The Court: How long ago was this, Mr. Green, before they got up those answers to the three questions that the Herald-Tribune got out—the three first questions?

The Witness: You mean the space of time between (T-9208) that discussion and the three questions?

The Court: Yes.

The Witness: Well, I would say approximately four years or so.

The Court: I sustain the objection.

Q. About how many years?

Mr. Isserman: I didn't get the answer. May I get the answer?

The Court: He said four years or so. It was a perceptible interval.

Mr. Isserman: I would like to be heard on this. I am bringing it in not on that discussion but on another matter in connection with the Schneiderman decision.

Mr. McGohey: Then I object to it.

(T-9209) The Court: Yes, I will sustain the objection.

What talk they may have had about some decision that was handed down by the Supreme Court of the United States would seem to have no relevancy here except in so far as it came in any of the answers that Mr. Foster propounded to the questions submitted by the—

Mr. Isserman: It also came in in—

The Court: —Herald-Tribune.

Colloquy of Court and Counsel

Mr. Isserman: —other publications.

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

Mr. Isserman: It also came in—

Mr. McGahey: I object, your Honor. There isn't any testimony.

Mr. Isserman: I would like to be heard on it and explain the reference.

Mr. McGahey: I object to counsel testifying about where 23 questions or the Schneiderman case comes in some place else. There isn't any evidence on it.

The Court: Now, Mr. Isserman, do you say there is some other part of the record where the matter has been taken up by your adversary?

Mr. Isserman: No, but there—

The Court: All right, then—

Mr. Isserman: No.

The Court: —if there is not, I will ask the (T-9210) next question: Is there any exhibit offered by your adversary which raised that question?

Mr. Isserman: No, the question was raised on cross-examination by my adversary and was not confined to the 23 questions.

Mr. McGahey: If the Court please, that is—

The Court: Then there is a place in the record where your adversary, Mr. McGahey, referred to it, and so I come to the next question: Show me the place in the record.

Mr. Isserman: Where Mr. McGahey referred to the Schneiderman decision?

The Court: That is right.

Mr. Isserman: I will find it.

The Court: Because my recollection is that the only place it came in in this whole case is in connection with the answer to the third of those three questions.

Mr. Isserman: But the examination was not limited to that particular discussion.

The Court: Then—

Mr. Isserman: There were general questions asked by Mr. McGahey.

Colloquy of Court and Counsel

The Court: —you point out the place to me.

Mr. Isserman: I will.

The Court: If I am wrong, it won't be the first (T-9210-A) time. I am very glad to review my recollection.

Mr. Isserman: May I have a minute to find it?

The Court: Yes, you may, and in order to facilitate that, we will take our ten-minute recess now.

(Short recess.)

(T-9211) The Court: Did you find the place, Mr. Isserman?

Mr. Isserman: Yes, I did, if the Court please. It starts on page 9024.

The Court: All right. Is the particular place that you want to refer me to much later than that?

Mr. Isserman: I call attention to 9028 and 9029.

The Court: All right, just a second while I look at it.

Mr. Isserman: And 9030.

The Court: (After examining.) Now, what is the particular matter before me now?

Mr. Isserman: The question was about discussion at a prior time—

The Court: Oh yes, in the National Board some years before. I will sustain the objection to that.

Mr. Isserman: I believe I had a copy of the next exhibit marked. I wonder does your Honor have it?

The Clerk: 8 x J?

Mr. Isserman: Yes.

The Clerk: You have it in your hand.

Mr. Isserman: No, that is an unmarked copy.

The Court: Yes, the last one is 8 x J.

Mr. Isserman: Does your Honor have the copy?

The Court: No, I haven't got it here.

(T-9212) The Clerk: You had it in your hand the last time I saw it.

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Mr. Isserman: No, I have an unmarked copy.
The Court: Well, I haven't got it here. Perhaps one of your colleagues has it.

Mr. Isserman: Just one minute, your Honor.
The Court: All right.

Q. Mr. Green, I show you 8 x J for identification and ask you if you have seen that pamphlet before (handing)?

A. I have.

Q. Will you tell us under what circumstances you saw it the first time?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was that pamphlet used by you in connection with your work as an official of the Communist Party?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Did you, in carrying out your official duties as Chairman of the Communist Party for the New York District in 1943, take any action in respect to the pamphlet which is 8 x—

Mr. McGohey: J.

Q. —J for identification?

Mr. McGohey: Objection.

(T-9213) The Court: Sustained.

Q. Was that pamphlet distributed by the Communist Party in the time that you were an official of the Communist Party, Mr. Green?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was the pamphlet used in classes while you were an official of the Communist Party?

Mr. McGohey: Objection.

The Court: Sustained.

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Now you know, Mr. Isserman, we have been over this same thing I don't know how many times, and the last two or three times I took occasion to explain the matter to you. Now if there is some particular class that the witness taught, and you fix the time and place and who was there, in a general way, that is one thing; but these general questions, such as you put there, I sustained objections to them right along and I don't see much point in your repeating that type of question.

Mr. Isserman: If the Court please, the question is preliminary to the next question and this deals not with a class but with circulation and distribution.

The Court: In my judgment you can get right down to the particular matter that you want to ask him about, and ask a proper question.

(T-9214) Mr. Isserman: Well, I will ask the question directly.

Q. Did you as Chairman of the Communist Party for the District of New York ever circulate and distribute the pamphlet which you have in front of you?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Isserman: If your Honor please, I am not—

The Court: It is the same question that you asked a few minutes ago.

Mr. Isserman: If your Honor please, I am not directing the question to classes. I am directing it to the distribution by this witness of the pamphlet on a particular occasion, and I want to get to the occasion.

The Court: I think the quicker you do it, the better.

Q. Was there any particular occasion, Mr. Green, when you, as Chairman of the Communist Party for the New York District, distributed the pamphlet which is in front of you?

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Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you at any time in the period 1943 to 1948 give any instructions in your capacity as Chairman of the Communist Party of New York relative to the distribution (T-9215) of the pamphlet which is in front of you?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Did you on any occasion while you were Chairman of the Communist Party for the District of New York between 1943 and 1945 discuss this pamphlet with any club leaders or directors?

Mr. McGohey: Objection.
The Court: Sustained.
Mr. Isserman: Your Honor sustains that objection?
The Court: Yes.
Mr. Isserman: May I have a moment?
The Court: Yes.

Q. Did you at any time, Mr. Green, discuss the pamphlet which is 8 x J in the City of New York while you were Chairman of the Communist Party in the period 1943 to 1945?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Now at the time the Foster letter of January 1944 was published was there any explanation published with that letter as to its circulation prior to the date of publication? A. There was.

Mr. Isserman: May I have Government's Exhibit 17, please?
Mr. McGohey: Yes, just a minute.
(T-9216) Here it is, Mr. Isserman (handing).

Excerpts From Government's Exhibit 17, Read into Record

Q. I show you Government's Exhibit 17, Mr. Green, and ask you if that exhibit contains the explanation to which you have reference and I call your attention to page 655.

Mr. McGohey: The exhibit is in evidence, your Honor.

The Court: Yes, and I have some recollection of that being read already, but if you desire to read it again, Mr. Isserman, you may do so.

Q. Have you found the place, Mr. Green? A. I have.

Q. Would you read that explanation? A. "Note by William Z. Foster.

"The above letter to the National Committee was rejected at an enlarged meeting of the Political Bureau, held on February 8, 1944, with about 40 leading Party members in attendance and voting. Comrade Browder put as the main issue of the meeting, not a re-survey of the political policies, in the light of my letter, but the preservation of the unity of the Party. After a day's discussion, all present voted against my letter, except Darcy and myself.

"As a result of this serious rebuff and in view of Comrade Browder's expressed determination to stamp (T-9217) out all open opposition, an attitude on his part which was strengthened by the heavy vote of the enlarged Political Bureau against my letter,"—

Mr. McGohey: Is that "Political Bureau"?

The Witness: That is what it says.

Mr. McGohey: May I look and see?

(After examining.) Yes, thank you.

The Witness: Thank you.

A. (Continuing):

"As a result of this serious rebuff and in view of Comrade Browder's expressed determination to stamp out all open opposition, an attitude on his part which was strengthened by the heavy vote of the enlarged Political Bureau against my letter, I concluded that it would be folly for me to try to take

Excerpts From Government's Exhibit 17, Read into Record

the question to the Party membership at that time. For to do so would have weakened our general work in support of the war; ruined our current big recruiting drive, interfered seriously with the development of our vital national election campaign, and perhaps resulted in splitting our Party.

"So I decided to confine my opposition to the ranks of the National Committee, a course which I followed during the next year and a half by means of innumerable criticisms, policy proposals, articles, etc., all going in the direction of (T-9217-A) eliminating Comrade Browder's opportunistic errors. I was convinced that the course of political events and the Communist training of our leadership would eventually cause our Party to return to a sound line of policy.

(T-9218) "It will be noted that my letter to the National Committee does not discuss the matter of the dissolution, or reorganization, of the Communist Party into the Communist Political Association. When Comrade Browder proposed this liquidatory step several members of the National Board raised objections to it, and, of course, I opposed and voted against it. Nevertheless Comrade Browder was able to push it through in spite of this opposition. At the time of my sending the letter to the National Committee, things had proceeded so far that I considered the reorganization of the Party into the C.P.A. as virtually an accomplished fact. It had already been publicly announced and endorsed at the January meeting of the National Committee, and, in fact, the Party was already in the preliminary stages of reorganization. Consequently, I felt that further agitation of the matter was hopeless for the time being and could only cause useless strife and confusion in our ranks. So I left the whole question out of my letter to the National Committee. The immediate task, as I saw it"—

* * *

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(T-9219) A. (Continuing):

“The immediate task, as I saw it, was for me to help to keep the C.P.A., in fact, if not in name, the Communist Party.”

* * *

Q. Mr. Green, I show you Government's Exhibit 181-A, which is a paragraph out of your debate with Mr. Tyler, concerning which you testified, consisting of one paragraph on page 35, and I show you Exhibit 181-B, consisting of two paragraphs on page 39, and ask you if those three paragraphs fairly represent the substance of your debate with Mr. Tyler?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Do these three paragraphs represent the substance (T-9220) of your debate with Mr. Tyler?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Do these three paragraphs taken by themselves give the substance of the matter with which they are concerned? Will you examine the three paragraphs, please?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Is there any part of—

The Court: Now, do you remember, Mr. Isserman, this morning, when that matter came up, you offered the entire balance of the debate by Mr. Green, and I then said, as I recall, that I thought there might be portions that you might desire to offer but that I felt that the entire debate was not necessary to explain those paragraphs, and you told me then you would look into it further, and I gave you leave to offer them later. Now, if there are some other portions, not the whole, as you offered before, but certain portions which you think are explanatory or which modify what was in the paragraphs re-

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ceived, you may offer them, but I am not going to take the characterization of this witness as to them.

Mr. Isserman: If the Court please, I would first like to establish for the record, and that is the (T-9221) purpose of these questions, that in the witness's view—

Mr. McGahey: Oh, I object to this, your Honor.

Mr. Isserman: May I finish?

Mr. McGahey: I object—

Mr. Isserman: May I finish?

The Court: It seems to me that the witness interjected, as I recall it, something to the effect that he had changed those views later.

Didn't you say that, Mr. Green?

Mr. Isserman: Well, we will get to that, if the Court please.

The Court: Well, I think the quicker you get to it—

Mr. Isserman: Yes.

The Court: —the better it would be—

Mr. Isserman: At this point I would like to have the jury know what he then said in that debate.

The Court: —instead of repeating in a great variety of forms something I have already ruled on. You may—

Mr. Isserman: If the Court please—

The Court: —keep putting the questions, if you desire.

Mr. Isserman: The record doesn't show that in (T-9222) the judgment of this witness, who made the speech, that these paragraphs do not reflect what he said, and I would like to have that on the record.

The Court: That is what I think is not admissible and that is what I have ruled on. His opinion on it is of no value.

Mr. Isserman: Well, he made the speech.

The Court: Anybody can read. I have been able to read it through myself, and if there are some portions that do go along with those paragraphs, you may offer them, but evidently you don't desire to do that.

Mr. Isserman: I will do that, if your Honor please—

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The Court: Well, I think—

Mr. Isserman: —if I am compelled to but first I would like to indicate—

The Court: —the sooner you do that you get that matter before the jury and before me.

Mr. Isserman: What I would like to get is the whole thing before the jury.

The Court: You know, that is what I ruled out this morning, and there is no use in just keeping on saying the same thing over and over. But if you want to do it, I won't stop you.

(T-9222-A) Mr. Isserman: No, I do not intend to do that, but my statement is one thing and the witness's testimony is another on a question of this sort.

The Court: Yes, I don't—

Mr. Isserman: And I am trying to get his testimony in.

The Court: I don't consider his view or characterization or opinion, as you call it, admissible.

(T-9223) Q. Mr. Green, calling your attention to the—

The Court: I may say, incidentally, that I do consider it proper for you to show by this witness that at a later time and within the period of the indictment he changed those views and taught something different in some of these classes. That I consider to be very admissible.

Mr. Isserman: And the witness has asked me to get the material which indicates that, and I am in the process of getting it, if the Court please.

The Court: That's fine.

Q. Now I call your attention to Exhibit 181 for identification and point out—and ask you whether the portions of the exhibit in evidence are part of the debate in which you participated? A. They are part of the debate.

Q. And that debate was with a Mr. Tyler? A. That's right.

Q. And did Mr. Tyler have any position in any organization? A. He was a leader of the Young People's Socialist

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League and was the spokesman for that organization in this debate.

Q. And was there any difference in position between the Young People's League and the Young People's Communist League which lead to this debate?

(T-9224) Mr. McGohey: Objection.
The Court: Sustained.

Q. What were the circumstances under which this debate took place, Mr. Green?

Mr. McGohey: Objection.
The Court: Sustained.

Q. What was the question on which you debated?

Mr. McGohey: I submit, your Honor, that the exhibit speaks for itself.

The Court: Well, I don't think that part of the exhibit is in evidence.

Mr. McGohey: Oh, I beg your pardon, your Honor, that is corerct. I withdraw the statement.

The Court: What was the resolve or the question that was being debated?

The Witness: Well, I don't recall the exact—

The Court: Well, better take a look at it and get it right.

Mr. McGohey: He has it in front of him.

(The witness examines.)

The Court: I think probably looking at that exhibit will refresh your recollection, and then you can tell us exactly what you were debating about.

The Witness: I know what I was debating about. I don't remember the exact wording of the resolve.

(T-9225) The Court: Well, look in there and get it.

The Witness: (After examining.) The title of this reprint of my portion of the debate reads, "which way for American youth in the struggle against war."

Whether that was the actual wording of the resolve in the debate or not I do not recall.

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The Court: You see, usually when there is a debate somebody gets up the question and starts "Resolve so and so, so and so and so and so"; then one side argues in favor of it and the other side argues against it. Now what was the question, or wasn't there any question?

Mr. McGohey: I suggest it is in the exhibit, in the exhibit for identification.

The Court: I think it is there all right.

Mr. McGohey: May I suggest a page that might be helpful to the witness?

The Court: Well, see what Mr. Isserman says. What do you think, Mr. Isserman?

The Witness: It says, "Which way for American youth in the struggle against war."

The Court: That is the running head that was put on there when it was printed up, but that is not what you are being asked about.

Now Mr. McGohey knows the page.

(T-9226) Mr. Isserman: Well, I will take the page number from Mr. McGohey.

Mr. McGohey: I will point it out to you.

* * *

Mr. Isserman: I might say I haven't had a chance to read through this so I am helpless.

Mr. Gordon: I told Mr. McGohey where I thought it was. Maybe I misled him.

Mr. Isserman: I see the editor's note in there, but I do not know whether it contains the question or not.

Mr. McGohey: I was referring to the editor's note, page 30. That might refresh the witness's recollection of what the debate was.

Mr. Isserman: I would like to—

The Court: I don't know how important it is. I know nothing about this. It seems to me that when you have part of a debate put in, that the question they were debating seems material and I was going to let you put it in, but if nobody knows what it was—

Mr. Isserman: Well, that isn't so. Somebody knows what the question was.