

Colloquy of Court and Counsel

that necessarily open the door to going into the whole business?

Mr. McGohey: Now, your Honor, let me come right to that. This cross-examination, bear in mind, did not (T-9726) bear in any way on Exhibit 6 x E, the so-called 23 questions and answers by Mr. Foster. This cross-examination arose out of this testimony by Mr. Davis, that does not mention the 23 questions or Exhibit 6 x E.

The Court: Just wait a second.

Mr. McGohey: Mr. Davis testified on direct examination at page 9498—

The Court: 9498?

Mr. McGohey: Yes, sir, at the very top of the page.

The Court: Just wait a second until I get it. You know, we are not going to have room on the bench for these volumes pretty soon.

Mr. McGohey: Now, your Honor—

The Court: Wait until I get it, 94—

Mr. McGohey: 9498.

The Court: I have it.

Mr. McGohey: That paragraph at the top of that page—indeed the rest of that page is the end of an answer which began at page 9495, or probably even before that, and it was Mr. Davis' testimony about the substance of the speech which he made in New York City when he was campaigning for the office of Councilman.

The Court: Let me just find that. It goes back quite a ways, doesn't it?

(T-9727) Mr. McGohey: Yes, sir.

The Court: That is right. That is what it was.

Mr. McGohey: You see there at 9495 he says that during this campaign period many—

The Court: Yes.

Mr. McGohey: (Continuing) That there were many questions being raised—

The Court: Yes.

Mr. McGohey: —and so on, and then he continues on 9496, 9497, 9498, and in 9498, he says,

Colloquy of Court and Counsel

"And I said that we had changed or corrected our party's position but the position that we took was nothing new since we had always been a Marxist-Leninist Party,"

and then this,—and that must mean what he said in his speech on that—

The Court: Oh, yes.

Mr. McGohey: —“even the Supreme Court in 1943 had handed down the Schneiderman decision, showing that our party did not advocate force and violence.”

Now, your Honor, my cross-examination of Mr. Davis was directed to finding out from this lawyer, this Harvard graduate, whether or not, when he was representing constituents that the Supreme Court had handed down a decision which showed that the Party did not advocate (T-9727-A) force and violence, he had also brought to the attention of his constituents the other parts of that opinion.

(T-9728) So that cross-examination related entirely to the testimony of Mr. Davis about what he said to his constituents when he was campaigning for office, and there is no relation whatever to the exhibit 6 x E.

Now that certainly was proper cross-examination because it goes to the good faith and the credibility and the honesty of this witness in what representations he says he made in a public speech to the people of the City of New York about the Communist Party and furthermore about the Supreme Court's holding with respect to the Communist Party.

And what I was trying to bring out from him was whether or not he had told his constituents that the Supreme Court had said itself: "This Court has never passed on the question whether the Party does so advocate," and that the Supreme Court further said, "It is unnecessary for us to do so now."

Colloquy of Court and Counsel

Now the balance of this decision which is now sought to be put in evidence is a legal argument unrelated entirely to the issues in this case but relating to the completely diverse issues in the Schneiderman case and it seems to me—

The Court: Bound to get the jury mixed up.

Mr. McGohey: —there can be no possible theory of putting that in. The only possible effect (T-9729) would be utterly to confuse this jury by putting in the balance of the Schneiderman case and I urge your Honor to sustain my objection to the receipt of the pages offered.

Mr. Sacher: May I be heard very briefly?

The Court: Yes.

Mr. Sacher: It seems to me, your Honor, that so far as confusion is concerned the jury is now confused.

The Court: How can you tell that?

Mr. Sacher: How can your Honor tell that they will be confused? If we can't tell that they are confused, how can your Honor tell that they will be confused?

The Court: That is what a judge is doing all the time. When he looks at evidence that is being offered he can tell whether it is apt to confuse the jury or not. The very content of the matter that is offered—

Mr. Sacher: I respectfully submit, your Honor, that at this juncture there must be confusion in the state of mind of the jury for the following reason: they have before them now Exhibit 6 x E in which there is quoted the passage from the Supreme Court decision and nobody has said that the quotation is inaccurate. Nobody has said that.

The Court: Well, it isn't inaccurate.

Mr. Sacher: Of course not.

(T-9730) The Court: It is a perfectly accurate quotation.

Mr. Sacher: Yes, and the Communist Party has said, "We embrace that as expressing our view toward the question of force and violence on the

Colloquy of Court and Counsel

one hand and peaceful and democratic change on the other."

What the prosecution has now done is to say to the jury that "The Supreme Court decision has more things than your philosophy dreams of. It has both yes and no. It said it is a tenable conclusion that the Communist Party does not advocate force and violence but we the prosecution now want to show that it also said that it is not passing on the question."

And these 16 citizens say to themselves, "Well, what is the situation? What is it?"

The Court: You say they are confused now, therefore let's make them more confused.

Mr. Sacher: No, no. I submit—I would like to say this to your Honor: If your Honor thinks that the jury can understand the History of the Communist Party of the Soviet Union, if your Honor thinks that they can understand the Communist Manifesto, if your Honor thinks that they can understand Foundations of Leninism, then I respectfully submit that your Honor ought to think that they can understand the Supreme Court decision at least to the same extent that they understand those (T-9731) voluminous philosophical and historical doctrines. And when I call them philosophical let me say it is not my designation but the designation as Mr. Dennis read it from the opinion of the Court.

The Court: I say that Manifesto is tough reading.

Mr. Sacher: This is not a subject for levity.

The Court: I have read it four times. That is tough reading.

Mr. Sacher: I am advancing this in all seriousness.

The Court: I know you are.

Mr. Sacher: And what I say to your Honor, if there is lacking the danger of confusion or misunderstanding in regard to the 180 exhibits which the prosecution has introduced and maybe 50 or a hundred that we have introduced,—if there is no

Colloquy of Court and Counsel

danger of confusion already there I respectfully submit that there is no danger of confusion by giving these citizens a portion of the decision of their own Supreme Court.

(T-9732) The Court: How do you beat Mr. McGohey's point that his cross-examination was addressed not at all to the quotation or to the questions in that exhibit where the Herald Tribune propounded the questions, but rather the statement made on direct examination by Mr. Davis giving his speech to his constituents that "Even the Supreme Court in 1943 had handed down the Schneiderman decision saying that our Party did not advocate force and violence"? He says, of course, it was proper for him to bring out on cross-examination as bearing on the credibility of the witness, as to whether he had mentioned the fact that in that very opinion the Supreme Court had said that it did not decide the question at all. How do you meet that?

Mr. Sacher: I meet that very simply, your Honor, in the following wise: I say that the issue in this case is what the Communist Party teaches and advocates, and to the extent that Mr. McGohey would address himself exclusively to that, that would be appropriate. In other words, if Mr. McGohey intended to show that Mr. Davis did not say to the people that the Supreme Court of the United States had made a decision saying that his Party does not teach and advocate force and violence—if that were the purpose of Mr. McGohey's interrogation, then I would say that that would be a decisive answer, (T-9733) but what Mr. McGohey is saying is not that he wanted to show that Mr. Davis did not teach and advocate peaceful change but he wanted to show that the Supreme Court in another part of the decision said it wasn't deciding that question, and I respectfully submit that if your Honor's thesis and premise in this case is to be consistently pursued, then the one question that was proper here was what Mr. Davis taught and advocated and not whether the Supreme Court did or did not technically pass

Colloquy of Court and Counsel

upon the question of force and violence; and in passing let me say this, that the Supreme Court did decide that there was not in the case before it clear and convincing and unequivocal evidence—

The Court: Yes. Now for the first time we hear what they decided.

Mr. Sacher: All right.

The Court: That was applicable to a denaturalization proceeding. The quantum of proof was not proof by a fair preponderance of credible evidence—

Mr. Sacher: No, your Honor, that is not correct.

The Court: —but by proof of convincing evidence that left no doubt.

Mr. Sacher: No, your Honor. What the Court said was—let us pause—

The Court: But that has nothing to do with (T-9734) our case at all.

Mr. Sacher: Well, may I point this out, that the issue, the basic issue in the Schneiderman case—

The Court: It is a good thing I read that case.

Mr. Sacher: Well, I know you did.

The Court: I wouldn't understand all this. It took me a long time doing it, too.

Mr. Sacher: Your Honor, I say that in the Schneiderman case the basic question was whether or not the Communist Party taught and advocated—despite Mr. McGohey's head right and left—the basic question was whether or not the Communist Party taught and advocated the forceful and violent overthrow of the Government.

The Court: Well, let us see now—where is that part about the clear and convincing evidence? Isn't there something like that in there?

Mr. McGohey: It is, of course, your Honor, but I wonder if we couldn't move along. We will be at this all day long.

The Court: Yes. It seems to me we are not getting anywhere with this argument.

Colloquy of Court and Counsel

Mr. McGohey: Of course not, your Honor. I was cross-examining here to attack the credibility of a witness, and I was cross-examining to ascertain whether he had fully and frankly and fairly and accurately (T-9735) stated to his constituents the holding of the Schneiderman decision, and that is all I was doing, and it hasn't been answered by Mr. Crockett—and, your Honor, I do not care to be disrespectful, but I suggest a ruling.

The Court: Well, there has been about 45 minutes of argument which on this point I think is sufficient.

Mr. Sacher: May I have just one more moment, one more moment?

The Court: No, Mr. Sacher. Whenever I let you start, it is the same old thing. It is just painful to me to tell you to stop because you insist so. It is just—I don't understand why it should be so after all these months.

Now I will sustain the objection. Call the jury back.

Now Mr. Reporter, do you think you need a little rest here?

The Reporter: Yes, your Honor.

The Court: Very well. We will take our ten-minute recess now.

(Short recess.)

(The jury returns to the courtroom.)

Mr. Sacher: Your Honor having upheld the (T-9736) objection to the introduction of pages 147 to 149—159, I beg your pardon—I now offer the passage beginning at the lower half of page 155 and going to the end of the first full paragraph on page 157 of Schneiderman against the United States in 320 U. S. 118.

Does your Honor wish to see—

The Court: Show it to Mr. McGohey.

(Mr. Sacher hands to Mr. McGohey.)

Fanny Hartman—for Defendants—Direct

Mr. McGohey: This is objected to, your Honor.
The Court: Sustained.

Mr. Sacher: That is all. Thank you, Mr. Davis.
Are there any further questions, Mr. McGohey?

Mr. McGohey: No, I have no questions.

(Witness excused.)

The Court: Next witness.

Mr. Crockett: If the Court please, I call Miss Fanny Hartman to the stand.

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

Direct examination by Mr. Crockett:

Q. Miss Hartman, are you from Boston, Massachusetts?
A. I am.

Q. What is your address in Boston? A. 11 Wabeno—
(T-9737) W-a-b-e-n-o—Street, Roxbury, Massachusetts.
That is a part of Boston.

Q. Tell me, have you read the record in this proceeding
of the testimony of the witness Philbrick? A. I have.

Q. Are you the Fanny Hartman referred to in Govern-
ment's Exhibit No. 39 which I show to you at this time?

The Court: 39?
Mr. Crockett: That is right, your Honor.
May I have Government's Exhibit No. 39?
Mr. McGohey: Yes, surely. Here you are—
The Court: That is that 5-session introductory

course?

Mr. Crockett: That is right, your Honor.
Mr. McGohey: I hand it to Mr. Crockett (hand-
ing).

Mr. Crockett: Thank you.

Q. I call your attention to the upper lefthand corner
of Government's Exhibit No. 39 where you will find the
words "From Fanny Hartman at first class session in

Fanny Hartman—for Defendants—Direct

West End C.P. Club", and I ask you if you are the Fanny Hartman referred to there? A. I am.

The Court: I can't seem to find that place in that exhibit which you refer to, Mr. Crockett.

Mr. Crockett: Suppose I show your Honor the original. It may be on that photostat it is not included (handing to Court).

(T-9738) The Court: (After examining) Oh, it is the handwriting up in the lefthand top—

Mr. Crockett: That is right.

The Court: —part of the exhibit. I have it.

Mr. McGohey: Well, is that in the exhibit? I do not know whether the offer included any handwriting on here or not, your Honor. I should like to see for a minute just how much of this paper was included in the offer.

The Court: Yes, you may pause for a moment if you will, Mr. Crockett, while that is checked.

Mr. Crockett: I think you will find that, Mr. McGohey, in the record at page 2679.

Mr. McGohey: Fine; thank you.

Mr. Crockett: You will also find some testimony there by the witness Philbrick to the effect that he got it from Miss Hartman.

Mr. McGohey: That may be. I just want to look at it.

The Clerk: 2677 to 2682.

Mr. McGohey: (After examining.) Fine; all right; no question about it, your Honor.

Q. Miss Hartman, are you a citizen of the United States?
A. I am.

Q. Where were you born? A. In Springfield, Massachusetts.

(T-9739) Q. Will you tell the jury what formal education you have had? A. Well, my family lived in Chicopee, Massachusetts, when I was just a couple of years old, and I went to grammar school in Chicopee, Massachusetts and graduated from there. We moved back to Springfield, Massachusetts, and I graduated from the Classical High School in Springfield, Massachusetts.

Fanny Hartman—for Defendants—Direct

Q. Did you receive any honors while you were in high school? A. I was on the honor roll and on graduation—I think I was 15—I was recommended for a college scholarship.

Q. And did you receive a scholarship? A. I did.

Q. To what, if any, college? A. To Smith College.

Q. Did you attend Smith College? A. I did.

Q. What and where is Smith College?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Is Smith College a college for women or it is co-educational?

Mr. McGohey: Objection.

The Court: Sustained. Now let us not take time out for those things, Mr. Crockett. Now get to work.

Q. Now what if any honors did you receive while at Smith College?

Mr. McGohey: Objection.

(T-9740) The Court: Is this going to have materiality with the witness's testimony? I have allowed, for example, the defendants, whose intent is involved, a statement of their background and so on. It scarcely seems to me that that is likely to be in issue with this young lady.

Mr. Crockett: I think it goes to the question of the thoroughness with which the witness pursued her educational activity.

The Court: Well, if that is what it is, I will sustain the objection.

Q. Will you tell us what, if any, field you majored in while you were at Smith College?

Mr. McGohey: Objection.

The Court: Were you a teacher in one of these Communist schools?

The Witness: I was.

Fanny Hartman—for Defendants—Direct

The Court: Yes, I will allow the question.

Mr. Crockett: Will you repeat the question, Mr. Reporter.

Q. (Read.) A. In economics and sociology.

Q. Was there any particular reason why you decided to major in those two fields?

Mr. McGohey: Objection.

The Court: Sustained.

Q. In connection with your college work, Miss Hartman, (T-9741) did you read any Communist literature?

Mr. McGohey: Objection.

The Court: Sustained.

Q. In connection with your college work did you have occasion to study any of the writings of Marx, Engels or Lenin?

Mr. McGohey: Objection.

The Court: Sustained.

Q. When did you graduate from Smith College? A. 1926.

Q. And what did you do after graduation? A. Well, for the first year I had to stay home because my mother was very sick and my father wasn't making much money in a factory he was working in and she kept boarders and I had to help take care of the house while she was sick.

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

The Court: Yes, I will sustain the objection.

Q. What was your first employment after graduation from Smith College? A. My first employment was temporary. I got a job with the Merriam Publishing Company that publishes the Webster's International Dictionary and they were getting out a new edition—

Mr. McGohey: Objection. I move to strike anything after the employment.

Fanny Hartman—for Defendants—Direct

The Court: Well, I will let it remain. I can't (T-9742) see what these preliminaries have to do with this case, Mr. Crockett.

Mr. Crockett: If the Court please, I want to—

The Court: I can't see it.

Mr. Crockett: I desire to identify the witness for the Court and jury and I think all this is a part of identification for the record.

The Court: I don't see how you identify her by showing all the trouble she had in her family and exactly what difficulties she surmounted and what difficulties she didn't surmount. I am going to rule it out.

Mr. Crockett: Will your Honor permit a question as to the first permanent employment the witness had after she graduated?

The Court: I will.

Q. Will you tell us, Miss Hartman, what was your first permanent employment after you graduated from Smith College? A. A social worker.

Q. And where were you employed as a social worker? A. Here in New York City with the Jewish Social Service Association.

Q. And when did you obtain that employment? A. I think in the early part of 1929.

Q. Can you tell us briefly what your duties were in that employment?

(T-9743) Mr. McGohey: Objection.

The Court: Sustained.

Q. Miss Hartman, are you a member of the Communist Party? A. I am.

Q. Will you tell the Court and jury the circumstances under which you joined the Communist Party?

Mr. McGohey: Objection.

The Court: Sustained.

Mr. Crockett: May I ask your Honor to reconsider that ruling and in that connection I call your Honor's attention to page 2616 of the record where

Fanny Hartman—for Defendants—Direct

the identical question using that language was put to the witness Philbrick and was allowed.

The Court: I think the circumstances under which Mr. Philbrick joined the Communist Party are entirely different.

Mr. Crockett: But we didn't know at the time the question was put and we don't know now the circumstances under which this witness joined the Party.

The Court: I am not going to take the evidence as to how she happened to join the Communist Party because I think it not material. The fact that Mr. Philbrick made the arrangement he made with the FBI agents I thought very material.

Mr. Crockett: But that had not been brought out (T-9744) at that stage of the testimony.

The Court: All right, I am not going to allow it.

Q. Had you had any contact, Miss Hartman, with the Communist Party prior to the time that you became a member?

Mr. McGohey: Objection.

The Court: I will allow that.

A. Yes.

Q. Will you tell us briefly what that contact was? A. I attended a demonstration in Union Square on March 6, 1930, called by the Communist Party in defense of the unemployed for relief.

Mr. McGohey: Now if the Court please, I renew my objection.

The Court: Yes, I will sustain the objection. She had some contact with the Communist Party and attended this rally. I don't think it material to hear the details of that. It is not in issue here.

Mr. Crockett: You mean we can't bring out the nature of the contact?

The Court: Well, I can't see what speeches were made there, what they said and did and ad-

Fanny Hartman—for Defendants—Direct

vocated—I can't see that those things have anything to do with this case. I gather you produced this witness to negate some of Mr. Philbrick's testimony.

Mr. Crockett: I think your Honor is anticipating (T-9745) the witness's testimony. She has not testified concerning any speeches made; she only said that that was her contact.

The Court: I say that is all right. I allowed that.

Mr. Crockett: What I desire to bring out is what she did after that contact to show the continued contact prior to the time she became a member of the Communist Party.

The Court: If there is some incident you want to bring out that is material to the case—

Mr. Crockett: That is what I am leading up to.

The Court: Well, it is the leading up part that is a little circuitous.

Q. At the meeting which you testified you attended called by the Communist Party in Union Square—

Mr. McGohey: Could we have the time fixed, your Honor?

The Court: That is March 6, 1930.

(To witness) Isn't it?

The Witness: Yes, sir.

Q. Did you receive any leaflet or pamphlet put out by the Communist Party? A. I did.

Q. Will you tell us what kind of a leaflet or pamphlet it was that you received?

Mr. McGohey: Objection.

(T-9746) The Court: Sustained.

Q. What did you do subsequent to receiving that leaflet? A. I went to 35 East 12th Street.

Q. Was that the address that appeared on the leaflet? A. It was.

Fanny Hartman—for Defendants—Direct

Q. And why did you go to 35 East 12th Street? A. Well, I thought that the demands for relief—

Mr. McGohey: Objection.

The Court: Well, I think that is a little late, Mr. McGohey.

Mr. McGohey: Well, if the Court please, no; she went to 35 East 12th Street, and now we are getting what the witness thought and I think that is not important and it is not relevant or material.

The Court: Well, you didn't object to it when she started to answer. I suppose—

Mr. McGohey: The answer to the question "And why did you go to 35 East 12th Street?" might have been "To enroll in the Communist Party." I wouldn't object to that. My objection is to what she thought.

Mr. Sacher: I would like to be heard.

The Court: Just a second. This time I am going along with you.

I am just going to take a chance and see what she says. I think she is going to say that she joined (T-9747) the Communist Party but maybe she isn't.

Mr. Crockett: I think you will find, your Honor, that you are mistaken.

(To reporter) Will you read the question?

Q. (Read.) A. Well, as I said I thought that what I had heard, the demands for unemployment insurance and relief, especially because I had some experience in my own work as a social worker, made sense. I had read in the paper about some Red menace and I didn't know what it was all about.

Mr. McGohey: I object, your Honor.

The Court: I guess I was wrong. I will sustain the objection.

Q. What was there on this leaflet that caused you to go to 35 East 12th Street?

Mr. McGohey: Objection.

The Court: Sustained.

Fanny Hartman—for Defendants—Direct

Q. Did the leaflet which you received in Union Square refer to a workers' school of any kind?

Mr. McGohey: Objection.
The Court: Sustained.

Q. What did you do when you got to 35 East 12th Street, Miss Hartman? A. Well, I looked on the bulletin board and saw "Communist Party" and I took the elevator and went up there.

Q. Went up where? A. To the offices of the Communist (T-9748) Party—to the New York offices because I was in New York.

Q. And where were those offices located in that building? A. I think they were on the fifth floor.

Q. Now is that the present headquarters of the Communist Party? A. 35 East 12th Street?

Q. Yes. A. It is.

Q. To your knowledge has it been located at that address ever since you first went there? A. Yeah.

The Court: (To reporter) Put down "Yes."

The Witness: I am sorry.

The Court: That is all right. Now don't worry about a little thing like that.

Q. What did you do after you got to the headquarters of the Communist Party? A. I asked where I could find out some additional facts on what the Communist Party stood for. I told them I didn't want to join.

Mr. McGohey: Objection to what she told them.

By the Court:

Q. Did you go around there and after getting certain information join the Party? A. No; I went to a school first.

Q. Went to a school first? A. Yes.

Q. So the substance of it is you went around there and asked certain questions and you thought before you did anything further you would like to go to this school? (T-9749) A. That is right.

Fanny Hartman—for Defendants—Direct

Q. And that is what you did? A. Yes.

By Mr. Crockett:

Q. What was the name of this school? A. They told me the name of it was the Workers School.

Q. And where was it located? A. On the third floor of the same building.

Q. And did you attend that school? A. Yes.

Q. You registered? A. Yes. I looked at the catalogue and saw there were some classes—

Mr. McGohey: Objection.

The Court: I was busy writing. I will have to have the answer read.

Mr. McGohey: And I should like your Honor to hear the question also.

(Question and answer read.)

The Court: The question is did she register and instead she went on to something, which is something very natural to do, and that is all right.

But you did register?

The Witness: I did.

Q. Was there a catalogue for this school? A. There was.

Mr. McGohey: Objection.

The Court: Well, I will let the answer stand.

(T-9750) Q. What if any classes did you attend at this school?

Mr. McGohey: Objection.

The Court: Is it your purpose to have her describe in detail all these classes, Mr. Crockett?

Mr. Crockett: Not at all.

The Court: Or just to give the titles of the subjects she taught?

Mr. Crockett: That is right.

The Court: I will permit it.

Mr. Crockett: Not that she taught.

Fanny Hartman—for Defendants—Direct

The Court: I don't mean that either. The ones she attended that someone else taught.

Q. What classes did you attend at the Workers School?
A. The first class I took was the introductory class, the principles of Communism.

Q. And how long did you attend that class? A. I think it was, as I recall, a 10-session class, once a week.

Q. And when you finished that course what did you do?
A. I took a more advanced course.

Q. In what? A. As I recall it was on the advanced course in Marxism-Leninism which is the next course after the principles of Communism listed in the catalogue.

Q. Now did you read any books in connection with that course? A. Yes.

Q. Were they—

(T-9751) (Mr. McGohey stands up.)

Mr. Crockett: Do you have an objection, Mr. McGohey?

Mr. McGohey: Wait until I hear the question. I am waiting for the question.

The Court: You know, I can't look down here for a second but that something goes on. I never saw anything like it. It is all right.

Q. Did you read the Communist Manifesto? A. I did.
Q. And did you read "Value, Price and Profit"? A. I did.

Q. Did you read "Wage, Labor and Capital"? A. I did.

Q. Who was the author of those books? A. Karl Marx.

Q. Did you read "Socialism—Utopian and Scientific"? A. I did.

Q. Who was the author of that book? A. Engels.

The Court: What is this, a class we are having here to see if she gets the right answers?

Q. Did you read "Imperialism"? A. I did.

Q. And who was the author of that? A. Lenin.

Q. And did you read "Foundations of Leninism"? A. I did.

Fanny Hartman—for Defendants—Direct

Q. And who was the author of that? A. Stalin.

Q. Now was it subsequent to your completion of this course that you joined the Communist Party? A. Just about (T-9752) the end of the second course.

Q. When was that? A. I think it was 1930, the end of 1930.

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

Q. Will you tell us when and where and the circumstances under which you were arrested? A. I was arrested—I think it was in February of 1931. I had joined the Communist Party by then. There were an awful lot of evictions and there was a family out—

Mr. McGohey: I object to that and move to strike that.

Q. Just tell us—

The Court: Yes, I will sustain the objection.

Now, Miss Hartman, let me tell you something.

The Witness: Yes, sir.

The Court: Now you are an intelligent young lady and these questions as they are put there is always a way to give a direct, clear and responsive answer, and you have shown a little disposition to go on and explain a lot of things that nobody asked you to explain, and it is something that people often do, and I don't say it in criticism, but it will help us all here if you just keep your mind on the question and give a direct and responsive answer and don't try to get all (T-9753) the explanations and all the other material which if counsel wants he can ask for.

The Witness: I will try to do it.

The Court: What was the question? About what she was arrested for?

Mr. Crockett: And the time and place.

The Court: It was February 1931.

And what was it you were arrested for?

The Witness: I was helping to put back furniture.

Fanny Hartman—for Defendants—Direct

Mr. McGohey: Whatever the charge was is the answer to that question, not what she was doing. If she was arrested what was the charge?

Mr. Sacher: I object to Mr. McGohey's amending your Honor's questions. I don't think he should do that.

The Court: I don't think she needs give the specific legalistic charge, but you can explain it without going into great detail because we are not passing now on whether you were innocent or guilty or whether they were justified in arresting you. You are telling us what you were arrested for. Maybe it was for picketing or assault or something or other. What was it you were arrested for?

Q. What were you doing, Miss Hartman, when you were arrested? A. I was putting furniture back into a house of a family that was evicted.

(T-9754) Q. That is what happened when you were arrested? A. Yes.

The Court: You mean the marshal was taking the furniture out pursuant to a court order and you were putting it back?

The Witness: Yes.

Q. Now what happened after you were arrested?

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

The Court: Let me make a little note here first while I am thinking about it. Let me get this down.

I wish you would enlighten me, Mr. Crockett. I can't see that it makes any difference right now whether she was convicted or acquitted, what the sentence she got was, whether she went to jail. What earthly difference could those things make here? She isn't charged with anything in this case.

Mr. Crockett: If your Honor thinks it is not pertinent to bring out what happened to the case I shall drop it.

The Court: Maybe you have some theory on the basis of which you say it has a bearing on these

Colloquy of Court and Counsel

issues. I don't want to curtail you, but offhand I was surprised that you asked the question. This is direct examination. What has it got to do with the case? Nobody said she had—

(T-9755) Mr. Crockett: But the experience in this case has been that the prosecution goes back—

The Court: If every witness we have is going to be asked about every time he got arrested or every time he got into trouble, why he became a member of the Communist Party, we would have utter confusion.

Mr. Crockett: I think the jury is entitled to an introduction to this witness.

The Court: Well, it is a funny kind of introduction to show how many times she has been arrested.

Mr. Crockett: The jury is entitled to know who the witness is and that is what I am trying to bring out.

The Court: Is it a virtue in the Communist Party to be arrested?

Mr. Crockett: I can't answer whether it is or not a virtue in the Communist Party but I think being arrested for certain so-called offenses is.

The Court: If that is what you were trying to elicit I will sustain the objection.

Mr. Sacher: Will it be understood that the prosecution may not on cross-examination come up with just that stuff?

The Court: Mr. Sacher, if there are matters affecting the credibility of any witness the cross-examiner has a right to bring them out. And if that is the point (T-9756) and not what Mr. Crockett said, namely, anticipating that such matters will be brought out on cross-examination it is desired on direct examination to explain them in advance—if that is what the purpose is it is certainly not proper.

Mr. Sacher: I respectfully submit I am confident Mr. Crockett will and the rest of us will explain to the jury the personality of each witness we bring here and I respectfully submit it would to my view be erroneous to say that we may not on direct exami-

Colloquy of Court and Counsel

nation develop those facts which concern themselves with the activities of a witness in relation to the charges that may have been brought against him.

The Court: That is the funniest thing I have ever heard of. You bring a witness who is apparently going to tell us something about this case and you start out explaining how many times the witness has been arrested.

Mr. Sacher: I have done that for 25 years.

The Court: Well, you are not going to do it in this case. This is going to be a new leaf in a new book.

Mr. Sacher: If we are not permitted to go into it on direct examination we shall object to it on cross.

The Court: You can object all you want. (T-9757) If a proper question is put on cross-examination it is going to be allowed. Attacking the credibility of a witness on cross-examination is something that is traditional. You may want to give the audience the impression that it is wrong, but I tell you it is not wrong.

Mr. Sacher: I object to any references to audiences.

The Court: As a lawyer knowing some law I can't imagine what other point you would have in saying if these things are ruled out on direct examination questions as to conviction and crime must be ruled out on cross-examination. That is a ridiculous statement and you as a lawyer know it.

Mr. Sacher: In the first place it is not I who is conscious of any audiences. And in the second place I wish to say that in all the years I have practiced in this State and in the Federal courts it has been considered proper and permissible to develop on direct examination the things that Mr. Crockett is developing with Miss Hartman and there is no judge who has required us to wait for that matter to be developed on redirect.

The Court: Now let's see. Now suppose you have a prosecution in a narcotic case, so as to make (T-9758) it something utterly different, calling a

Fanny Hartman—for Defendants—Direct

witness who has had a variety of convictions for violations of the narcotic law and the prosecution wishes to explain that this witness, although he has been in trouble with the law a number of times has been helping the investigators in getting the proof. Is it that sort of thing you refer to? Because I agree with that. The prosecution could in that case bring out how the man happened to be called and if he had been involved in wrongdoing.

Mr. Sacher: I do not think Miss Hartman bears the slightest resemblance to a narcotic peddler.

The Court: No, that is why I said I will take something that is so remote that there would be no chance of misunderstanding. We are discussing the theory, so don't twist it around to make it appear that I said that this lady had some relation to a narcotic peddler.

Mr. Sacher: Because it seemed to me—

The Court: You picked the illustration yourself.

Mr. Sacher: If we are discussing the theory I think the theory that Mr. Crockett is developing is substantially the same as in those other cases I mentioned—to explain how Miss Hartman became a member of the Communist Party, what activities she engaged in, and how she happens to testify in this case. I think the theory is substantially the same.

(T-9759) The Court: I am not going to allow her to testify as to how she happened to become a member of the Communist Party other than she has already explained, but I will allow her to testify as to the arrests and I will allow you to bring out, Mr. Crockett, whether she was convicted or not.

Q. Will you tell us what happened, Miss Hartman, after you were arrested.

Mr. McGohey: Object to that.

The Court: Sustained.

Mr. Crockett: Just what happened and what other circumstances may lead to anything—

The Court: You may ask here what the result of the case was, whether she was acquitted or convicted or what was the result.

Fanny Hartman—for Defendants—Direct

Q. What was the result of the case, Miss Hartman? A. I was convicted, fined a certain amount of money, which I refused to pay on principle, and went to jail.

Q. That was during the time that you were employed by the social agency? A. That is right.

Q. Now I believe you testified that there were other occasions when you were arrested? A. Yes.

Q. Will you tell us briefly what those occasions were and what was the final outcome? A. Both occasions—

Mr. McGohey: Could we have the place fixed, (T-9760) even on this last one?

The Court: Yes, take each one. I think if you will ask what was the next one you will get the answer. The first was February 1931. That was the first?

The Witness: Yes.

Mr. McGohey: With respect to the arrest in February 1931 we have no testimony as to where it occurred.

Mr. Crockett: I believe she stated it was in New York City.

Mr. McGohey: New York City has five counties.

The Court: Was that first arrest in New York?

The Witness: Yes. I think at Tenth Avenue and twenty-something street.

The Court: Do you remember what court you were taken to?

The Witness: All I remember was the Women's Jail that I went to. I don't remember what court.

The Court: Was it the Magistrate's Court?

The Witness: I am sorry; I am not acquainted well enough with the kind of judges there are to be able to tell you.

The Court: But it was in New York City?

The Witness: Yes.

Q. What was the next arrest? A. In Lynn, Massachusetts, in 1936. The month, I think it was—around October (T-9761) 1936.

Q. And for what conduct on your part?

Colloquy of Court and Counsel

Mr. McGohey: Object to that question.

Q. Were you arrested? A. Yes.

The Court: What was the charge?

You see, if you ask her what she was doing we may have to retry all these cases. You try to show it was one thing and Mr. McGohey then on cross-examination tries to show it was something else. The question that is important is what was the charge and what happened.

Mr. Crockett: May I say one word?

The Court: Yes, you may.

Mr. Crockett: The difficulty I experience in that connection is that witnesses generally are not well versed in the law. You ask them what the charge was and they tell you maybe obstructing traffic and then later on by presenting a copy of the record Mr. McGohey tries to show that they testified falsely, that it was something else, something similar. And I want to ask what happened, what the witness was doing and let the prosecution draw its own conclusion as to what the charge was.

The Court: I suppose if you do that we will be retrying these arrests and convictions by the dozens. If she says it was one way, the prosecutor has a right to show it was another way. Are you trying to show what (T-9762) kind of witness you are producing by the analogy with the narcotic case?

Mr. Crockett: I just want a brief statement in the record of what the witness was doing at the time she was arrested, which will indicate what conduct brought about the arrest.

Mr. McGohey: I submit what the witness was doing is not material in this case. But if a witness or a defendant has been charged with some offense and has been convicted or acquitted then that has some bearing. But the charge is important and we do not even have what the charge was in this 1931 arrest.

The Court: I have a suggestion that I think may work this out. Suppose Mr. Crockett asks her first

Fanny Hartman—for Defendants—Direct

if she remembers what the charge was. Maybe she will. Maybe she will say, for instance, disorderly conduct or some other charge that she remembers. If she doesn't remember we will see if we can get it out by a very brief statement of what she was doing.

Mr. Crockett: I will do that, your Honor.

Q. What was the charge against you at the time you were arrested in Lynn, Massachusetts? A. I really don't remember. I don't know.

Q. What were you doing? A. I was on a picket line in front of a shop that was on strike.

(T-9763) Q. And that is when you were arrested? A. That is right.

The Court: Was it one of those mass picket lines, all close together?

Mr. Crockett: May I ask the Court to explain what your Honor means by mass picket line?

The Court: Well, I heard it referred to in the testimony of one of the other witnesses. I thought what it meant was a whole lot of people crowded together in a mass rather than just a few of them marching along.

But you don't remember about that?

The Witness: I remember about the number of people. I would say there were about 25 people marching around the building.

Q. Were you convicted? A. No; I think the case was dismissed after we were held for about three or four hours.

Q. Now what was the next time when you were arrested? A. In Cambridge, Massachusetts.

Q. When was that? A. I think it was two weeks after the Lynn.

Q. What was the charge against you on that occasion? A. I am sorry, I don't know.

Q. What were you doing? A. I was on a picket line of an Amalgamated Clothing Workers shop that was on strike.

Q. Now were you convicted of any offense at that (T-9764) time? A. I don't think so. The same thing happened there that happened in Lynn. We were let go after about three or four hours in the police station.

Fanny Hartman—for Defendants—Direct

Q. Now tell me, Miss Hartman, were you ever a full-time employee of the Communist Party? A. Oh yes.

Q. When and where were you first employed by the Communist Party? A. I was first employed by the Communist Party in about the middle of 1937.

Q. We have heard some reference in this case to the term "functionary." Is that the term commonly used with reference to a full-time employee of the Communist Party? A. Yes.

Q. What was the nature of your first employment with the Party? A. I was the Boston City secretary.

Q. That is Boston, Massachusetts? A. Yes.

Q. And how long did you occupy that position? A. I think until about the beginning of 1939 when that job was divided in two and I became the Boston City organizational secretary.

Q. What was the nature of your duties as Boston City secretary? A. I had—

Mr. McGohey: Objection.

The Court: Sustained.

Q. What Communist Party functions did you perform in your capacity as Boston City secretary?

(T-9765) Mr. McGohey: Objection.

The Court: Just let me glance back at my notes about Mr. Philbrick.

I have a memorandum here, Mr. McGohey, about some training course.

Mr. McGohey: Yes, your Honor. I refer your Honor to page 2683 of the record.

The Court: 2683?

Mr. McGohey: Yes, your Honor. The witness there testified about a school, said that the first session—

The Court: Then there was a Hilda McGarvey and Fanny Hartman.

Mr. McGohey: And then there is at page 2683 the testimony that the witness Philbrick attended a school in Boston and that Fanny Hartman attended the first session of this particular meeting.

Fanny Hartman—for Defendants—Direct

The Court: I am looking for the date.

Mr. McGohey: October 1945.

The Court: All right, I sustain the objection.

Q. What was your next full-time employment with the Communist Party in Boston, Miss Hartman, and tell us when it was?

* * *

Q. (Read.) A. I was made full-time trade union secretary—I was elected full-time trade union secretary (T-9766) of the Communist Party in New England I think in May or June of 1942, and I held that position until the position was abolished in 1944 and then re-elected as Greater Boston City secretary.

Q. What is meant by "Greater Boston"? A. Well, Boston is—people know Boston. It has a lot of small towns.

The Court: Yes, like Greater New York.

The Witness: Except they have some 37 or 38 small towns.

The Court: So it is really greater than Greater New York.

The Witness: That is right.

Q. Tell me, is Cambridge included in the area of Greater Boston of which you were an official of the Communist Party? A. It is.

Q. And is the town of Malden included in Greater Boston? A. It is.

Q. And is the town of Melrose, these three towns being towns referred to by the witness Philbrick—is that included in Greater Boston? A. It is.

Q. And the activities of the Communist Party in those three towns, Cambridge, Malden and Melrose, to some extent came under your supervision and jurisdiction? A. Oh, yes.

(T-9767) Q. Now, I believe you said that you were again elected Boston City secretary, and you remained secretary for the Party in the greater Boston area until when? A. The greater Boston City secretary?

Q. Yes.

The Court: Yes, you started in 1944 and now he wants to know when that employment ended.

Fanny Hartman—for Defendants—Direct

A. I think I had that post until the end of 1946 and then I was elected as the district—New England district organizational secretary.

Q. That was in 1946? A. The beginning of 1947 or the end of 1946. I don't recall the exact month.

Q. What geographic area is included in the New England district of the Communist Party? A. Maine, New Hampshire, Vermont, Massachusetts and Rhode Island.

The Court: Were you the New England district secretary?

The Witness: Organizational secretary.

The Court: Organizational secretary.

Q. What were your duties as organizational secretary for the Communist Party in greater—in the New England district during the period of time that you were organization secretary? A. Well, I was—I suppose you could describe it more popularly as a field secretary. I had responsibility—I had the responsibility of the everyday (T-9768) work of the Party, in carrying out the program that was formulated by the Convention or district committee. If there was a leaflet to be gotten out, say, on housing, I would arrange for the personnel to distribute such a leaflet. I was responsible for getting the—notifying the clubs of various legislation that was pending, like the FEPC in Massachusetts. I was responsible for the circulation of the Worker, getting the Worker out among the people. I was responsible for meeting with clubs and helping them on their local programs, whether that local program be one of helping to organize the unorganized, or the question of a nursery in a community, or the one and many things—

The Court: Were you not running the schools?

The Witness: I was responsible, yes, to a degree, because we do not separate what we do from what we teach.

The Court: That is what this case is about. So you were responsible for the teaching in the Communist schools up there?

The Witness: Yes, sir.

Fanny Hartman—for Defendants—Direct

Q. Tell me, were there any—

Mr. Crockett: I withdraw that.

Q. During the period for 1937, say, to 1940, did the Communist Party conduct any schools in Boston?

Mr. McGohey: Objection.

(T-9769) The Court: Prior to 1940?

Mr. Crockett: That is right, your Honor.

The Court: I sustain the objection.

Mr. Crockett: Will your Honor pardon me a minute?

Q. Was there a Communist Party district convention in Boston, Miss Hartman, in 1945? A. There was.

Q. What was the date of that convention? A. It was held in two parts, in, I think it was, July 20th and 21st, and then August 11th and 12th, those two week ends.

Q. Did you attend both parts of the convention? A. I did.

Q. In what capacity did you attend? A. I was elected a delegate from my club.

Q. What club was that? A. The West End Club in Boston.

Q. Where is that club located? A. Their headquarters is 3 Hancock Street, Boston.

Q. I wonder if you will describe your club headquarters for us at the time that you were the club delegate to this convention in 1945? A. West End Club?

Q. That is right. A. Yes, it was on the second floor of a public building. I think it had about—seated about 50 or 60 people in it. It had signs in the window, (T-9770) "Communist Party." That particular time it had a sign for "Headquarters for strike relief," for there were a couple of strikes going on.

The Court: Just hanging out the window?

The Witness: Yes.

The Court: Where it is visible in the street?

The Witness: That is right. That was the headquarters.

Fanny Hartman—for Defendants—Direct

Q. Did you attend the 1945 Communist convention in Boston in any other capacity other than as a delegate from your club? A. Well, I was then, as I said, the City secretary—secretary of the greater Boston party organization. I had been elected a member of the State and district committees of the Party.

Q. So you attended also in those other capacities? A. That is right, but I was a regular delegate from my club.

Q. What is meant by the district committee? A. Well, as I explained, we have—our area embraces not only Massachusetts but Maine, New Hampshire, Vermont and Rhode Island.

Mr. McGohey: Objection.

The Court: Yes; Maine, New Hampshire, Vermont and Massachusetts, and Rhode Island?

The Witness: That is right.

(T-9771) A. (Continuing) And the district committee consists of the state committees from these various states—representatives from these various states comprising this—

The Court: Where are we going now, Mr. Crockett? I have gotten a little bit confused. What was the question you asked?

Mr. Crockett: I asked her what she means by the district committee.

The Court: Oh, and it is a committee of this district comprising those states. All right.

Q. Is that the executive body for the party in the New England area? A. It is.

The Court: As a member of the district committee—did you attend that convention merely as a visitor and observer and vote solely as delegate or did you have a vote as a member of the district committee?

Mr. Crockett: Your Honor, I think she has brought out that she attended as delegate from her local club, which I had her describe.

The Court: And she said she also went there as a member of this district committee.

Mr. Crockett: That is right.

Fanny Hartman—for Defendants—Direct

The Court: And I am asking her whether, as a member of the district committee, she went merely as an observer or whether she had a vote in two capacities, first (T-9772) as delegate, and another vote as a member of this committee.

Don't you like that question?

Mr. Crockett: Oh, I am tickled to death with it.

Q. Will you answer the question? A. My only vote—right to vote came from the fact that I was elected by the membership of the West End Club.

The Court: As a delegate?

The Witness: Yes.

The Court: Very well.

Q. Miss Hartman, were you in any way connected with the arrangements for this 1945 district convention in Massachusetts? A. I was.

Q. Will you tell us what your connection was? A. Well, we had a meeting of our district committee, our previous district committee, the one elected prior to this convention, to discuss the arrangements of the convention and, at that committee—at that meeting, appointed—

Mr. McGohey: If the Court please, if we are going to have—

Q. About when was this meeting of the district committee held?

The Court: Let me hear what Mr. McGohey has to say.

(T-9773) Mr. McGohey: If we are going to have any testimony about this meeting, I think we ought to have the time, place and who was there and who said what.

The Court: An excellent idea.

Mr. Crockett: I just asked her to tell us approximately when this meeting of the district committee was held.

The Court: You just started to bring out the very facts that you always bring out before these

Faniny Hartman—for Defendants—Direct

meetings, and it is all right. That is all right. Tell us, first, when, and next, where, and third, who was there, as far as you recall, and then we will get around to what was said there.

Q. Now, you remember that we are dealing with the meeting of the district committee that was concerned about arrangements for the 1945 convention in Massachusetts?

A. Yes.

Q. Approximately when did that district committee meet? A. Some time in June 1945.

Q. Some time in June of 1945? A. Yes.

Q. Now, where was that meeting held? A. It was held in a committee room of the Little Building, 80 Boylston Street, Boston, Massachusetts.

Q. Is that the district headquarters of the Communist Party in the New England district? A. Yes, it is. (T-9774) There is a committee room in the building that various organizations and officers use.

The Court: You mean other organizations like the Elks and so on?

The Witness: Yes.

Q. Is that an office building? A. It is.

Q. In Boston, located in the downtown area of Boston? A. Yes, right opposite the Boston Common.

Q. Now the next question is, who was present at this meeting? A. I cannot remember everybody that was present. I attended an awful lot of meetings.

Q. Can you remember anyone who was present at this meeting? A. Yes.

Q. Will you tell us who they were? A. There was Anne Burlack, who was state president of the Communist Political Association at the time; there was Otis Archer Hood—

The Court: Just a minute now. Otis Archer Hood?

The Witness: That is right, H-o-o-d.

(Continuing) Who was a member of the district committee; there was Joseph Figuerido.

Fanny Hartman—for Defendants—Direct

The Reporter: Will you spell it, please?

The Witness: F-i-g-u-e-hard name to remember—r-i-d-o, I think.

(T-9775) The Court: Doesn't sound the way you pronounce it. It would probably be F-g-u-r-e-d-o.

The Witness: e-d-o, I am sorry.

The Court: Figuredo.

The Witness: Yes.

Q. Of course, you were present? A. Yes.

Q. Will you tell us what was discussed at that meeting with reference—

Mr. McGohey: If the Court please, it isn't clear that the witness exhausted her recollection as to who was present.

Mr. Crockett: Yes, I am sorry.

Q. Go on, tell us who else was present.

The Court: That is right.

A. I can't remember, frankly.

The Court: Was that Hilda McGarvey there?

The Witness: Who?

The Court: Did you ever hear of Hilda McGarvey?

The Witness: I have heard of her but she wasn't a member of the District committee, as far as I know. I mean, I know—

Q. What was discussed at that meeting of the district committee with reference to the arrangements of the 1945 convention? A. We set up committees to help prepare for the convention.

(T-9776) Q. What committees were set up? A. There was the main committee, the arrangements committee.

Q. Were you a member of the arrangements committee? A. I was.

Q. And did that arrangements committee meet prior to the convention? A. It did.

Q. Will you tell us when and where it met and who was present? A. Yes, the arrangements committee met a

Fanny Hartman—for Defendants—Direct

week following that district committee. The people on it were Otis Hood—oh, yes, I recall now Dave Bennett was also at that district committee meeting and on this arrangements committee—Justine O'Connor and myself. There may have been one or two more that I don't recall.

(T-9777) Q. Now that was discussed at this meeting of the arrangements committee with reference to the coming 1945 convention?

Mr. McGohey: May we have the place of the meeting, your Honor?

The Court: Yes.

The Witness: The same place.

Q. You mean the same place— A. As the district committee.

Q. —as the district committee? A. Yes.

Q. In Boyleston Street? A. Yes. I don't think it met in the committee room. It met in our own office.

Q. Now let us have the discussion. A. Well, this arrangements committee discussed, one, the procedure at the convention. A call had gone out which, I think the estimate from the—on the basis of representation was that we would have, say, 100 delegates and 100 alternates. We wanted to guarantee maximum participation of every delegate—

Mr. McGohey: If the Court please, we are not getting what somebody said.

The Witness: I—I am sorry.

Q. What you just said are matters that were discussed at the arrangements committee? A. No.

Q. I think what Mr. McGohey wants you to do is to (T-9778) indicate that this was what was discussed so that—

Mr. McGohey: No, if the Court please. All I want is to have the witness conform to the Court's direction as to the manner in which the testimony should be given.

The Court: Yes. You see, you really weren't asked anything about what you were trying to do. You were asked to state what was said there, and

Fanny Hartman—for Defendants—Direct

then you came along with that statement that you were trying to get the maximum participation of everybody possible, which sounded a little bit argumentative, as though you were giving the operation of your own mind—in fact, that is what you stated you were doing.

Now go ahead and tell us what was said, the substance of the discussion.

A. Mr. Dave Bennett—David Bennett, who was then the organizational secretary, reported that the estimate of the number of delegates to be expected at the convention would be—was about a hundred regular delegates and a hundred alternate delegates. He made proposals based on that estimate to guarantee maximum participation of delegates at the convention, and we discussed those proposals.

The Court: You mean the size of the room you were going to get?

The Witness: The size of the room, the time (T-9779) limit for speaking, the kind of panels that were to be planned at the convention—the whole procedure of the convention.

Q. Now what, if anything, was done following this meeting of your arrangements committee with reference to selecting and obtaining a place for the convention? A. Well, I had been in Boston—I was appointed or it was suggested that I myself—

Mr. McGohey: If the Court please, I submit this is not responsive. There was something done. Let us have what was done.

* * *

The Court: Yes.

A. I suggested personally getting the hall for the convention.

The Court: Did you get credit for that? I suppose you did. You did that personally, you say?

The Witness: I don't understand your question, sir.

Fanny Hartman—for Defendants—Direct

Mr. Crockett: I must object—

The Court: It seems to me that the question is (T-9780) not so much to call forth that you personally made the arrangement but maybe it was. Anyway, you did it personally. You hired the hall, and now what else did you do?

The Witness: I am sorry, I don't get your—

The Court: Well, you will get me if you will just let your mind stay on this subject for a minute. The question is, what did you do? You said you first hired the hall personally, yourself. Now what else did you do?

The Witness: What I personally did?

The Court: No, what you and your associates did. You seem to be getting a little more intelligent now.

The Witness: I am sorry, sir.

Mr. Crockett: I must object to your Honor's remarks and I must object primarily because of the insinuations and the implications which I am sure do not appear of record.

The Court: No. It seems to me a perfectly simple question, and I do not understand why the witness isn't going ahead to answer it.

Mr. Crockett: I asked the witness what was done following that meeting of the arrangements committee—

The Court: All right. Why doesn't she go ahead and tell us?

(T-9781) Mr. Crockett: About getting a place, and she began to point out initially she was given the responsibility of getting the hall—

The Court: And she did get it.

Mr. Crockett: And Mr. McGohey objected, it was ruled out. Then she testified that she personally went about getting a hall.

The Court: That is all right, and then I asked her what else was done, and then this mystification came over her which she has indicated.

Q. Miss Hartman, tell us exactly what the procedure was for getting this hall. A. I went to the New England

Fanny Hartman—for Defendants—Direct

Mutual Association down on—it is up near Tremont Street—

Mr. McGohey: I object to this, your Honor. The details can't be material in this case.

The Court: Well, there is something going on here that I am not quite catching on to. Let us hear this—

Q. Miss Hartman—

The Court: Tell us what else was done after you hired that hall personally, or is there some difficulty about it?

The Witness: No.

The Court: Well, go ahead and tell us, then.

(T-9782) Mr. Crockett: Maybe we can get at it another way, your Honor.

Will you let me have Government's Exhibit No. 35?

Mr. McGohey: Yes.

The Court: I do not see what the difficulty is myself. I don't see why she doesn't go on and tell us, but maybe there is some reason.

Mr. Crockett: May I suggest, your Honor, the difficulty is inherent in the technical use of our rules of evidence in a case like this.

The Court: There hasn't been much technical use of them in the last few questions.

Mr. McGohey: Here is Exhibit 35, Mr. Crockett (handing).

Q. Miss Hartman, I show you Government's Exhibit No. 35, which I believe has been read to the jury and which purports to be—

Mr. Crockett: If Mr. McGohey does not object I will just summarize it instead of reading it again. Is that agreeable, Mr. McGohey?

Mr. McGohey: Well, I do not know what the point of it is. It isn't a question of what it purports to be. It is a piece of something, physical evidence in the case (examining).

Fanny Hartman—for Defendants—Direct

Q. Well, do you recognize Government's Exhibit No. 35, (T-9783) Miss Hartman? A. Yes, I do.

Q. Is that a letter that was sent out giving the time and place of the convention of the New England district in 1945? A. It is.

Q. Now I call your attention to the fact that it is indicated in Government's Exhibit No. 35 that this convention was to be held in the New England Mutual Hall. Is that a public building? A. It is.

Q. Did you make arrangements to obtain the use of that building for the convention? A. I did.

Q. In that connection was it required that you obtain a permit from any public officials? A. It was.

Q. For the use of this—for the holding of this public meeting? A. It was.

Q. And you obtained that permit? A. Yes.

Q. Now I ask you if this Exhibit, Government's Exhibit No. 35—

Mr. Crockett: Strike that.

Q. To whom was Government's Exhibit 35 sent? A. This is—this letter of invitation, you mean?

Q. That's right. A. Copies of this were given and mailed out of town to the club secretaries, to extend an invitation to attend as guests people who were not elected as resident delegates to the convention.

Q. Now was that limited to members of the Communist Party? (T-9784) A. So far as I know, yes.

* * *

Q. Was there any reason why it was limited to members of the Communist Party?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was there any discussion at your arrangements committee meeting preceding the sending of Government's Exhibit No. 35?

Mr. McGohey: Objection.

The Court: Sustained.

Fanny Hartman—for Defendants—Direct

Q. Did you give us the complete discussion that took place at the meeting of the arrangements committee that you just discussed? A. Yes.

Q. That was the complete discussion? A. No, I did not. I thought you said "Will you give it to me?" No, that was not.

Q. Will you finish telling us all that was discussed—
A. Yes.

Q. —so far as you can remember. A. We discussed, one, the procedure at the convention, what would happen the first day, the agenda for the first day, the agenda for the second day. Shall I give that?

Q. No, that is not necessary. I just want a brief (T-9785) summation of the various items that were taken up at this meeting—

The Court: He wants you to bring out why it was that it was limited to Communist members only.

Mr. Crockett: Thank you, your Honor.

The Court: Isn't that what you are after?

Mr. Crockett: That is what I am trying to do.

The Court: That is what I thought.

Mr. McGohey: I object to that.

Mr. Crockett: But there was objection on the part of—

The Court: I know—

Mr. McGohey: But there is one now. I do not believe that is material.

Mr. Crockett: In that case Mr. McGohey is objecting to your Honor's question.

The Court: I allowed the discussion at that meeting and I will allow this, although it is bringing out something that in a direct question I sustained an objection to, but it doesn't seem to me to be of enough importance to argue about it and I am going to allow it; so go ahead and tell us what was said in that committee meeting about inviting people who were or were not members of the Communist Party, if any.

The Witness: Nothing was said about whether to invite (T-9786) or not to invite non-communists. This was a Communist convention with

Fanny Hartman—for Defendants—Direct

delegates elected and members of the party invited as visitors to listen to what their delegates had to say.

Q. Now I show you—

The Court: So nothing was said in that meeting on the subject?

The Witness: No.

The Court: The balance of the answer will be stricken.

Mr. Crockett: May I have Government's Exhibit 36?

Mr. McGohey: 36?

Mr. Crockett: Yes.

Mr. McGohey: Are you finished with 35?

Mr. Crockett: I am sorry (handing to Mr. McGohey).

Mr. McGohey: Here you are, Mr. Crockett (handing to Mr. Crockett).

Q. Miss Hartman, I show you Government's Exhibit No. 36, and I ask you if you recognize that (handing to witness)? A. Yes, I do.

Q. Does that embody the decisions, conclusions that were reached at the meeting of the arrangements committee which meeting you have just testified about?

Mr. McGohey: Objection.

The Court: Sustained.

(T-9787) Q. Were the conclusions, decisions mentioned in Government's Exhibit No. 36 discussed at this meeting of the arrangements committee concerning which you just testified?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Will you read Government's Exhibit No. 36, Miss Hartman? A. "To all Club Secretaries:"—I am sorry, "July 13, 1945" is the date.

*Excerpts From Government's Exhibit 36,
Read into Record*

"To All Club Secretaries:

"Dear Brothers and Sisters:

"The Convention Arrangements Committee elected by the District Committee of the C.P.A. urges that you take careful note of the following information and guarantee that all delegates receive a copy of this communication.

"We have worked out these additional details in regard to the Convention:

"Housing: Margot Clark, 17 South Russell Street, Boston, Mass. wil be in charge. All delegations in need of housing should write at once to Margot unless they have already notified this office of their needs. In writing, be sure to indicate whether housing is needed for men, women (T-9788) or couples—and how many of each.

"Credentials and Visitors: Marc Alper, at this office, has been placed in charge of credentials prior to the convention. Credentials should be sent to him not later than July 19th. Visitors from the Greater Boston area only will be admitted (unless persons from out-of-town happen to be in Boston near the date of the convention and wish to stay over to attend). All Greater Boston clubs are urged to inform their membership that they may attend as visitors, and to especially urge trade unionists, veterans, or other especially important members to attend. The names of persons who will attend as visitors should also be sent to Marc Alper as soon as possible so as to avoid confusion at the door; however, persons will be admitted as visitors insofar as possible if they present themselves at the door and can be identified as members.

"Resolutions, Amendments, etc.: Otis Hood has been placed in charge of all resolutions, amendments, etc. proposed by the clubs until such time as the Convention meets. Please send in all of your club

*Excerpts From Government's Exhibit 36,
Read into Record*

proposals, together with a record of the vote on them, at the earliest possible moment, and not later than July 19.

(T-9789) "Place of Sessions: The address of New England Mutual Hall where the Saturday evening and Sunday afternoon sessions will be held is 225 Clarendon Street, corner of Boylston (Copley Square, Boston). The Sunday morning panel sessions will be held in the Little Building, 80 Boylston Street, Boston. (Room numbers will be announced Saturday evening).

"Panel Sessions Sunday Morning: The panels will be: 1. Work among the Negro people; 2. New problems in Trade Union work. 3. Problems of our Communist organization; 4. Press and literature. Delegations are urged to plan in advance which of their delegates will go to the different panels so that the club can have a report on each panel meeting if necessary.

"Preparations for Discussion: Every delegate who plans to participate in the discussion is urged to organize his contribution in advance. A strict time limit will be necessary (probably 7 minutes)—please bear this in mind.

"Fraternally yours,

"David Bennett, Secretary."

"P.S. Please send in all convention assessments as soon as possible and bring those which are not mailed to the convention."

(T-9790) The Court: We will now take our recess until 2.30.

(Recess to 2.30 p. m.)

Fanny Hartman—for Defendants—Direct

AFTERNOON SESSION

The Court: Let the record show that the jury is present, and the defendants, and the attorneys for the defendants with the exception of Mr. Isserman, Mr. Gladstein and Mr. McCabe, concerning whom I am informed the stipulation in the usual form has already been filed—has it already been filed?

Mr. Gordon: No, sir.

Mr. McGohey: We haven't it yet.

The Court: It is in the course of preparation for signature and filing. And the Attorneys for the Government are present.

Mr. Crockett, the witness had just concluded the reading of Exhibit 36, which was that letter from Dave Bennett to all Club secretaries of July 13, 1945.

Mr. Crockett: That is right, your Honor.

(T-9791) FANNY HARTMAN, resumed the stand.

Direct examination continued by Mr. Crockett:

Q. I show you, Miss Hartman, Government's Exhibit No.—

Mr. McGohey: 19, I think it is.

Q. I show you, Miss Hartman, Government's Exhibit No. 19-A, and call your attention to that portion entitled "Call C.P.A. Convention July 19-26," and ask you if a copy of that call was received by the district office of the Communist Party in Boston? A. It was.

Q. And was it pursuant to that call that your district committee met at the meeting you testified to this morning? A. It was.

Mr. McGohey: Could I have the answer, please?

Q. Will you repeat your answer? A. It was.

Mr. McGohey: Thank you.

Fanny Hartman—for Defendants—Direct

Q. Now, I notice in this call the following paragraph:

“In accordance with Article VII, Section 7, of the C.P.A. Constitution the National Committee voted on June 20th to convene a special National Convention of the CPA in New York City on July 26, 27 and 28, 1945. The purpose of this special convention is to act upon the political line and immediate tasks confronting the CPA, to review the (T-9792) present work and responsibility of the National Board and National Committee collectively and individually and to elect a National Committee of the CPA. The National Committee is submitting to the membership for further discussion the draft resolution of the National Board as amended by the National Committee,”

and I ask you whether or not you can state, in your capacity as secretary of the Party for the Greater Boston area during the period when that call was issued, if a discussion period was observed in the clubs in the Boston area? A. It was.

Q. Will you tell the Court and jury what a discussion period is?

Mr. McGohey: I object, your Honor.

The Court: Don't you think we know pretty well, now?

Mr. Crockett: I think, your Honor—I don't recall that it has been testified to, and it has a particular significance.

The Court: Well, Miss Hartman, didn't it mean that that draft resolution was the subject of discussion in all the clubs, and that they brought it up and they did discuss it?

The Witness: That plus more.

(T-9793) The Court: Some more than that? Well, what was the “more”?

The Witness: The “more” was the opportunity for every member, not only to read it and discuss it—

Mr. Sacher: Louder, please.

Fanny Hartman—for Defendants—Direct

The Court: She says, "Not only the opportunity to every member to read it and discuss it," and she is going on.

The Witness (Continuing): But to make suggestions and prepare resolutions for changes, additions, subtractions, to democratically arrive at a policy at the convention.

The Court: Did they do all that?

The Witness: They did.

Q. Now, Miss Hartman, I call your attention to page 2654 of the transcript in this case where the following occurred in connection with the direct examination of the witness Philbrick, question—answer, rather—

Mr. Crockett: Mr. McGohey, this is the last complete paragraph on the page.

Q. (Continuing):

"Well, first before you can participate in any of the discussions if you wanted to present some major issue as indicated in the directive that you have before you there you had to send in a resume or copy or an outline (T-9794) of what you intended to say in advance";

and then over on page 2655:

"The Court: Now, Mr. Philbrick, are you referring to the panel meetings?

"The Witness: Yes, sir.

"The Court: All right. Well, Mr. Philbrick, it says here 'Every delegate who plans to participate in the discussions is urged to organize his contributions in advance,' and then, up above, under the heading of 'Resolutions and Amendments,' it says, 'Please send in all of your club proposals together with a record of the vote on them at the earliest possible moment and not later than July 19th.' Where do you see anything in this Exhibit 36"—

Mr. Crockett: That is the exhibit that we read before the recess, your Honor.

Fanny Hartman—for Defendants—Direct

Q. (Continuing) :

“that requires the submission in advance of the matter to be discussed in the panel?”

And then the witness Philbrick answered,

“That is what it means, when it says to organize your material ahead of time for the panel discussion.”

And I ask you—

(T-9795) Mr. Gordon: There is more to it.

Mr. McGohey: Just a minute, Mr. Crockett, do you mind?

Mr. Crockett: I know there is some more to it but I am coming to it.

Q. (Continuing) And I ask you whether or not the discussion in this Exhibit 36 of the submission—of preparing, rather, material meant what the witness Philbrick here states that it meant?

Mr. McGohey: I object to it.

The Court: I will allow it.

Mr. McGohey: If the Court please, my objection is not only based on the question but based on the question—it is based on part of the testimony with respect to this because what follows immediately after the place where Mr. Crockett stopped—

The Court: You may read that to me.

Mr. McGohey: It says the following:

“The Witness: That is what it means, when it says to organize your material ahead of time for the panel discussion.

“The Court: It means—somebody told you that?

“The Witness: Yes, sir. At the Malden meeting there was one member of the group, a girl by the name of Alice, who wanted to participate in the panel (T-9796) discussion and she organized her material in advance and sent it in. The panel dis-

Fanny Hartman—for Defendants—Direct

cussions are different from the resolutions and amendments.”

The Court: I will sustain the objection.

Mr. Crockett: Well, let me continue reading from where Mr. McGohey stopped.

Mr. McGohey: I would be delighted.

Mr. Crockett: “The Court: Yes.

“The Witness: Now”—

and then you had some objection, and then on page 2656:

“The Court: Do you recall that the statement was made by the chairman?

“The Witness: Well, I remember very definitely how this thing was set up, how it was organized and arranged, and the arrangements were that, if you had any discussion to come up concerning a major issue of the draft resolution, see, of the National Committee, that that had to be prepared in advance and, of course, the reason given there was that there was a time limit and so forth.

“The Court: You mean the reason given in this Exhibit 36, or the reason given at the meeting?

“The Witness: I believe that’s all. In other words, this particular leaflet, or flyer or letter was always at the Malden meetings before we went to the (T-9797) convention.”

Q. Now I ask you—

Mr. McGohey: Pardon me. On the basis of that the Court then says:

“All right, I will overrule the objection. I deny the motion,”

and the question was whether or not the answer that the witness had given was going to be allowed.

Q. I ask you, Miss Hartman, on the basis of what I have read and what Mr. McGohey has read here from the record, whether or not there was any requirement that no one could speak at either the panel sessions or on the floor of

Fanny Hartman—for Defendants—Direct

the convention without first submitting to the office of the Party in Boston what it was he proposed to say? A. Well, there is no such requirement.

Q. What was the practice in that regard? A. You mean as regards discussion?

Q. As regards discussion and what is stated in Exhibit 36 about preparing your material beforehand. A. As I say, if I may remind you of the paragraph dealing with it—

Q. Is that paragraph in Exhibit 36? A. Yes, sir.

Mr. Crockett: May I have Exhibit 36?

The Court: Before you go on, are you talking about what they said in the panel or what they said in (T-9798) the convention or both?

The Witness: Both.

Mr. McGohey: 36, Mr. Crockett?

Mr. Crockett: Yes.

Mr. McGohey: Here it is (handing to Mr. Crockett).

Mr. Crockett: Thank you.

I hand to the witness Government's Exhibit 36 (handing).

I return to you, Mr. McGohey, Government's Exhibit 19 (handing).

Mr. McGohey: Fine; thanks.

A. That is that paragraph:

"Every delegate who plans to participate in the discussion is urged to organize his contribution in advance. A strict time limit will be necessary (probably 7 minutes)—please bear this in mind."

The Court: Keep your voice up just a little bit.

A. The paragraph—the paragraph—the practice that we followed is what this paragraph said. I recall that discussion at the arrangements committee, and I recall the reasons I particularly gave for including that paragraph. (T-9799)

Q. Now will you let us have those reasons that you gave at the meeting of the arrangements committee?

Colloquy of Court and Counsel

Mr. McGohey: Objection.

The Court: Sustained.

I thought the question was about whether this was told at the Malden meeting to Philbrick and the people who were there.

Mr. Crockett: The question was, what was the practice with reference to that paragraph that was included in this Exhibit 36; not what the witness Philbrick might have been told at a club meeting.

The Court: I don't think that the discussion at a meeting of that committee—it is the district committee meeting you are talking about, isn't it, Miss Hartman?

The Witness: No, the arrangements committee.

Mr. Crockett: Arrangements committee.

The Court: Arrangements committee. That is the committee on arrangements that met the week following the meeting of the district committee?

The Witness: Yes.

The Court: I don't see what the discussion there would have to do with it. It seems to me that if Miss Hartman wants to testify as to the practice that actually took place, it would be pertinent following (T-9800) this exhibit, which speaks for itself, to come to the panel meetings or to the convention itself and have her testify to those.

Q. This morning—

The Court: I do not know whether you follow me, but it doesn't seem to me to prove anything to show that there was some discussion about this. She is preparing to answer a question as to what was the practice.

Am I right about that, Mr. Crockett?

Mr. Crockett: That is right.

The Court: Now the practice was what took place at the panel meetings or at the convention, and, of course, preliminarily what happened in these clubs, which, of course, Miss Hartman could only tell about with respect to such meetings of clubs that she attended.

I must sustain the objection.

Fanny Hartman—for Defendants—Direct

Q. I believe you testified this morning that you were a member of the West End Club? A. I was.

Q. Did you attend any meetings of your club during the discussion period which preceded the first session of the 1945 district convention in Boston? A. I did, many of them.

Q. Now what was the practice in that club with reference to persons who proposed to attend the convention and speak in either the panels or from the floor of the (T-9801) convention? A. The practice was to urge people who were elected as delegates and who were going to represent the thinking of their clubs, to organize their material in advance so that it would facilitate and make most effective their individual discussions at the convention.

Q. Was there any obligation to do that? A. There was not.

Q. Was there any directive to do that? A. Of course not.

Q. Now I call your attention to page 2657 of the record dealing with the testimony of the witness Philbrick where the following questions and answers were put:

“Q. Was there any procedure adopted for those persons indicating that they wish to speak?”

The answer: “Yes, before you could speak you had to write out your name on a card. The card was sent to the front of the room, to the chairman conducting the meeting, and in that way, you see, they could select the names of those who they wished to have speak.”

And then there was some objections which were overruled, and then coming to page 2658:

“The Court: Did they do that?

“The Witness: Yes, sir.

“The Court: All right, allowed.”

(T-9802) And then over on page -59:

“The Court: I think I remember what he has been talking about all right. We are up to the point where he has described sending these cards up, and then the man who was the chairman, he picked

Fanny Hartman—for Defendants—Direct

around and picked which ones he wanted to call on and he called on those.

“Isn’t that it, Mr. Witness?

“The Witness: That is true, sir.”

And I ask you whether or not there was a requirement that persons notify the chairman beforehand if they wanted to speak from the floor at this convention? A. The rules committee elected at the convention—

(T-9803) Mr. McGohey: I object, your Honor, to this.

The Court: Well, none of these witnesses like to say yes or no to anything, Mr. McGohey, and I think you better let them run along.

Q. Just answer the question yes or no. A. Was there a procedure?

Q. Was there a procedure to let the chairman know beforehand if you wanted to speak at the convention on the floor of the convention? A. There was.

Q. Now I ask you what the procedure was. A. The Rules Committee elected at the first session of the convention—

The Court: Why do you put all that in? Why don’t you just tell him what the procedure was. That is what he is asking you.

The Witness: Because it was adopted unanimously by the delegates at the convention.

The Court: That is because you want to bring that in. You see witnesses should—

Q. Just tell me what a person attending the convention was expected to do if he wanted to participate in the discussion on the floor of the convention? A. He sent his name up to the chairman as a person who wanted to speak.

Q. And then what happened? A. And he was called on with the next person announced who was going to be called on so we wouldn’t waste time and that is the way the (T-9804) procedure went.

Q. And where was that procedure first formulated?

Fanny Hartman—for Defendants—Direct

Mr. McGohey: Objection.
The Court: Sustained.

Q. Was that procedure formulated by the arrangements committee?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Was that procedure incorporated in the rules of the convention.

Mr. McGohey: Objection.
The Court: Well, the witness has been in effect stating that it was part of the whole procedure of the convention—was it not, Miss Hartman—what you just told us?

The Witness: It was.
The Court: All right.

Q. Can you tell the Court and the jury why that procedure was followed?

Mr. McGohey: Objection.
The Court: Sustained.

Q. Were there delegates from all over the district at this convention?

Mr. McGohey: Objection. Repetitious.
The Court: Sustained.
(T-9805) Mr. Crockett: I believe she has testified that there were—
The Court: It is in already.
Mr. Crockett: This is an introductory question leading up to another question.

Q. Was there any effort made at that convention to afford a reasonable opportunity to delegates all over the district to speak from the floor of the convention?

Mr. McGohey: Objection.
The Court: Sustained.

Q. What if any procedure—

Fanny Hartman—for Defendants—Direct

By the Court:

Q. They didn't prevent anybody from handing up his name if she or he wanted to speak?

Mr. Crockett: That is the point.

The Court: If everybody could hand up his name and everybody was allowed to speak I don't see what more there is to it.

Mr. Crockett: But the point is that the witness Philbrick inferred and your Honor stated something to the effect that the chairman could pick around.

The Court: She has just denied that.

Mr. Crockett: I want to get why it was necessary to send those names up beforehand.

The Court: It seems to me obvious if it is (T-9806) desired to have any orderliness and there is a large convention—perhaps they wouldn't know the people who might raise their hands and so cards were handed up. I don't think anybody has criticized that. The point of Philbrick's testimony was that instead of calling on them all they called on the ones that they wanted to call on and this witness has said that that wasn't so.

By Mr. Crockett:

Q. You were present at the convention, were you not, Miss Hartman? A. I was.

Q. Did you hear any protests from anyone that their names had been sent up and they had not been called on?

Mr. McGohey: Objection.

The Court: I will allow it.

A. I did not.

Q. Now referring again to Government's Exhibit No. 36 and to the paragraph entitled "Panel Sessions Sunday Morning," I ask you whether or not such panel sessions were held? A. They were.

Q. Did you attend any of those panel sessions? A. I attended all of them in the course of that morning.

Q. Will you tell us how those panel sessions were run? A. Panels got together and elected a chairman and a sec-

Fanny Hartman—for Defendants—Direct

retary. The chairman introduced the topic, panel on trade union work for example, suggesting that the experiences the delegates had had—

(T-9807) Mr. McGohey: I object, your Honor, unless we know where and when and who was there and who said what.

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

Q. (Read.)

The Court: I think the witness is just giving us an illustration to indicate the general procedure at all these panel sessions.

Mr. McGohey: May I be heard?

The Court: Yes.

Mr. McGohey: If the Court please, the witness testified that the panels got together and that a chairman and secretary were elected and now the witness presumably taking one panel as an example, as I understand it, is now about to say what the chairman said.

The Court: I don't think so, Mr. McGohey. I interpret it as though she testified this way: First they got together and elected a chairman and secretary and then there was a topic suggested and if the chairman had such a topic as thus and so that was discussed by various people who wanted to say something.

Mr. McGohey: I would have no objection to that.

The Court: Is that correct?

The Witness: Yes, your Honor.

The Court: I think she was just giving the (T-9808) general procedure in response to the question.

Q. Had you completed your answer, Miss Hartman?
A. No, I had not. I said that for example the trade union panel, the chairman announcing it as the panel for what it was, called on the delegates to give their concrete experiences in connection with the point of the discussion, the trade union work of the Party and the review of it.

Fanny Hartman—for Defendants—Direct

The same thing was true in the panel on Party life and organization, the same thing was true in the panel on our experiences and work among the Negro people.

Q. Now what was the frame of reference for the discussion in each of these panels? A. I am sorry, I don't—

Q. I say what was the frame of reference for the discussion in each of these panels? Was there any one document that was generally referred to and discussed in each of these panels? A. Yes, the national resolution and that section of the national resolution with particular concern to trade unions or the other concrete panels that were organized.

Q. Now approximately how many people were present at these panel discussions—this is at the convention? A. Yes. Since we had 200 delegates and about the same number of visitors they divided into four panels. As a matter of fact one panel was merged. The panel on (T-9809) press was merged with the panel on Party organization; so that I would say roughly there were about 150—oh, maybe 120 people at each panel. I can't recall the exact number.

By the Court:

Q. And there were three panels? A. Yes, that first session.

Q. Now let me ask you a question, Miss Hartman: did everyone realize when they came there that one of the purposes of this convention was to do away with the old Communist Political Association and reconstitute later the Communist Party? A. They realized that that was a proposal being made in the draft resolution.

The Court: Yes.

By Mr. Crockett:

Q. And it was this draft resolution that was discussed in each of these panels? A. It was.

Q. And each panel, for example the panel on trade union work, centered on that portion of the draft resolution that referred to trade union work? A. That is right.

Fanny Hartman—for Defendants—Direct

(T-9810) Q. And the other panels did likewise with reference to the particular portion that came under the subject matter of that panel, is that right? A. Yes, sir.

The Court: That is what she has just said.

Q. The draft resolution to which you referred is the resolution of the National Committee of the Communist Political Association? A. That is right.

Q. That is the same resolution, I believe, that is referred to in paragraph 3 of the indictment as constituting a part of the conspiracy in this case, and I ask you if that resolution was thoroughly discussed by the delegates in all of these panels? A. Both in the panels and the convention.

Q. I believe you testified that in your capacity as a member of the arrangements committee and Boston City secretary you attended each of these panels? A. Yes.

Q. I wonder if you can give us very briefly a summation of the discussion in each panel?

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

The Court: I will sustain that.

Q. Now, was there a report made of the conclusions reached by the panel? Were those conclusions discussed in the following convention? A. They were.

Q. And after those conclusions were presented to the convention was there general discussion by the delegates (T-9811) at the convention of those conclusions? A. Yes.

Q. Now, was there, at this convention, a main report on this draft resolution, which the Government contends constituted a part of the conspiracy in this case?

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

The Court: You mean because it refers to the indictment, Mr. McGohey?

Mr. McGohey: Yes, and that conclusion that is drawn about it.

Mr. Crockett: Well, that is the Government's contention, your Honor.

The Court: Let me look at it. Let me look at it.

Is it this draft resolution of June 2nd?

Fanny Hartman—for Defendants—Direct

Mr. Crockett: The resolution of the National Committee of June 18, 1945.

The Court: I will overrule the objection.

Mr. Crockett: Will you read the question, please?

Q. (Read.) (Continuing) Will you answer the question? A. Yes, there was, the opening night of the convention.

Q. Will you tell me who made that report? A. Anne Burlak.

The Court: Who?

(T-9812) The Witness: Anne Burlak—B-u-r-l-a-k.

The Court: Yes, I know.

Q. Will you give us your best recollection of what Anne Burlak said in that report that she made to this convention?

Mr. McGohey: Objection.

The Court: I will allow it.

A. Anne Burlak said that the draft resolution applied, in her experience and in the experiences of the District Committee whom she was representing and giving the report for, to New England. She said that especially in our work among the trade union people, the workers in the shops, that our previous policy hindered our full contribution towards winning of the war and that if we had followed a consistent Marxist-Leninist position our contribution towards victory would have been much greater than it was.

Q. Now, was she talking about the policy followed by the Communist Political Association? A. That is right.

The Court: Browdersim?

The Witness: That is right.

Q. Continue with your report of this discussion. A. She said—she went on to give some concrete examples—she said that in our work in the shops and in the unions, to contribute towards greater production for the winning

Fanny Hartman—for Defendants—Direct

of the war, that our sloughing over the (T-9813) fact that there were monopoly concerns much more worried about the cost-plus profits that they would get rather than production; that we sort of sloughed that over in a so-called national unity, and that if we had consistently followed Marxism-Leninism, that the exposure of such practices by monopoly concerns would have caused greater morale among the workers for better contributions in production and an insistence that these monopoly concerns use places like Bethlehem Steel Shipbuilding Company for actually producing. That was one point she covered.

The second point she covered was as regards our contribution in the winning of the war in exposing Jim Crow practices, discrimination of Negro people on the job, which was not helping morale, and that if we had followed Marxism-Leninism as we had in previous years we would have organized movements to convince the administration to end such practices, and establishing a national FEPC and state FEPC, all towards the winning of the war.

The third point that she covered was the vitality of our organization, that had been sapped by abandoning Marxism-Leninism, where we formed these huge amorphous clubs and nobody had to agree with anything or carry out anything because all you had do to join the Communist Party generally was to say you were for a progressive program; and in abandoning Marxism-Leninism (T-9814) based on the working class and the working people, we sapped the vitality of our organization, and, on that basis, urged a return to Marxism-Leninism and the re-establishment of the Communist Party.

That are some of the things I recall she said in her report.

* * *

Q. Was there any discussion by the delegates of the report made by Anne Burlak, which you have just summarized to us? A. Yes, there was.

Q. When did that discussion take place? A. The first discussion took place in the panels that met the following morning.

Q. Those are the panels you have just referred to? A. Yes.

Fanny Hartman—for Defendants—Direct

Q. When was there further discussion of that report?
A. In the convention as a whole.

Q. Was the draft resolution of the National Committee, which is referred to in paragraph 3 of the indictment in this case, adopted by the delegates assembled at the district convention of the Communist Party in Boston at (T-9815) its convention in 1945? A. I am sorry, I did not get the first part of the question.

Mr. Crockett: Will you repeat—

The Court: I will tell her what it is. Was that resolution of June 18, 1945, adopted at the convention which you have just been testifying about?

(No answer.)

The Court: Would you like to have Mr. Crockett show you the resolution so you would know just what he was asking about?

Mr. Crockett: One minute. I can get it.

The Court: It is the same one you have been talking about.

The Witness: It was adopted—

Mr. Crockett: That is Government's Exhibit No. 17, I believe.

May I have Government's Exhibit 17?

Mr. Gordon: We have it all ready (handing).

Mr. Crockett: I hand the witness Government's Exhibit No. 17.

Q. And I call your attention to the article entitled "Present Situation and the Next Tasks," and I ask you if that is the draft resolution of June 18, 1945, that is referred to here in paragraph 3 of the indictment as part of the conspiracy and whether or not that is the (T-9816) resolution that was considered and discussed at this convention and approved by the delegates, speaking about the convention in Boston in 1945? A. It was adopted with provisions of additional resolutions, amendments, changes, which our delegates were instructed to bring to the National Convention.

Q. Was it considered section by section? A. It was.

Fanny Hartman—for Defendants—Direct

Q. And is it your testimony that in connection with the consideration of this resolution various delegates proposed amendments? A. That is right.

Q. And those amendments were voted on by all the delegates? A. That is right.

Q. Were any amendments approved by the delegates at this convention? A. Oh yes. I think we had about—both between amendments and additions—I think there were about a hundred proposals.

Q. Were there any instructions, as to what was to be done about these amendments that were being proposed, by your district convention in Boston? A. The delegates who were elected to the National Convention were instructed, when the matter came up at the National Convention, to present the position of the district convention on various sections of this draft resolution.

Q. Did you have an election of delegates to the National (T-9817) Convention? A. We did.

Q. That was the National Convention that met in New York subsequent to this first session of your district convention, is that not true? A. That is true.

Q. I believe it is referred to in the indictment in paragraph 5 as constituting a part of the conspiracy on the part of these defendants.

The Court: There is no use asking her about that. That was the basis of Mr. McGahey's objection a little while ago. She doesn't know what they put in the indictment or what they did not.

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

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

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

The Court: What is the second name, Mr. Reporter?

(Record read.)

Fanny Hartman—for Defendants—Direct

Q. Do you know whether or not your three delegates attended the National Convention here in New York? (T-9818) A. They returned and reported that they did.

Q. Tell me, what was the procedure followed at your district convention in 1945 in registering delegates?

Mr. McGohey: Objection.

The Court: Is there some testimony on behalf of the prosecution about that that you wish to rebut, Mr. Crockett?

Mr. Crockett: The whole idea of a conspiracy, a secrecy, excluding people and not using names and so forth, your Honor, is part of the testimony that the Government relies on.

The Court: I don't think anybody testified that the names were not used at the convention. This business of false names and so on was on other occasions, as I remember it.

Q. I believe you stated, Miss Hartman, that there were approximately 400 delegates and alternates and visitors to this convention. A. That is right.

Q. And you also testified that the National Committee's draft resolution was unanimously adopted. A. That is right.

Q. Tell me, were there any law enforcement officers present at the place where this convention was held? A. Yes, that is the customary practice in Boston Hall.

Q. Who were those law enforcement officers? A. Policemen at the door.

(T-9819) Q. Were they in uniform? A. Yes.

Q. Now, I believe you also testified that you personally went down to get the permit for holding this public meeting. A. I did.

Q. Did you or did you not state to the public officials at that time who was having the meeting and what the nature of the meeting was? A. I did.

Q. Is there a billboard outside the building where this convention was held? A. There is.

Q. It is attached to the building? A. Yes.

Q. Was there any notification or announcement of any kind on that billboard prior to the convention— A. Yes.

Fanny Hartman—for Defendants—Direct

Mr. McGohey: Objection. I am sorry, had you finished?

Mr. Crockett: No, I had not.

Mr. McGohey: I am sorry, Mr. Crockett.

Q. —that the Communist Political Association was going to hold its convention at that building in 1945?

Mr. McGohey: Objection.

The Court: I will allow it.

A. There was.

Q. Now, was there any publicity about this convention and the calling of this convention and the holding of this district convention prior to the date that the convention (T-9820) was held? A. There was.

Q. What was that publicity? A. It was announced in the Daily Worker. We sent a notice of it.

Q. Daily Worker has general circulation in the Greater Boston area? A. Yes. We had—we published a district bulletin and announced it there, and the agenda that was going to be proposed.

Q. How was that district bulletin distributed? A. Among our members and clubs.

Q. Now, I believe you said there was a second part to this New England convention in 1945. A. There was.

Q. Was that held at the same place? A. It was.

Q. Now, was there any report made to this second convention by the delegates whom you had elected at the first session of the convention to come down here to New York to attend the National Convention? Did they report back? A. Yes, all three of them reported back.

The Court: This is August 11 and 12 you are talking about now, is that it?

Q. Will you give us your best recollection of what these delegates reported concerning the National Convention held here in New York in July 1945, National Convention of the Communist Party, which is a part of the conspiracy, I believe, that is referred to in this indictment? A. Each person made a report. The first report, as (T-9821) I recall, was made by Otis Hood and he started out with stat-

Fanny Hartman—for Defendants—Direct

ing that this was the most democratic convention that he had attended, in the sense that every person participated, every person very seriously considered and debated every point that was raised, there was ample time for full and free discussion, criticism and everything else. That was his first statement.

He stated that he himself, as I recall—oh, I am sorry, before he did that, he said that the three delegates were going to divide the report covering the convention.

He stated that he would deal with, one, the question of the danger of war and fascism, and the question of work among the Negro people; that Anne Burlak would deal with the problems of the laboring people and the perspective as regards jobs after the war, and the role of the employers after the war; and that David Bennett would deal with the question of the role of the Party, the reconstitution of the Party, and the functioning of the Party—

The Court: And the what?

The Witness: The functioning of the Party clubs.

A. (Continuing) And that, generally, as I recall, is the outline that he presented.

He then went on to discuss what he got out of the convention. First, as I said, as regards the war (T-9822) danger, that although there had been to a degree national unity in support of the military defeat of Hitler and Hirohito, that there were different motives among different sections of the people; that the monopoly interests were concerned with a military defeat and then to take over world domination, whereas the common people, the laboring people were concerned with the defeat of fascism, of Hitlerism, and of Mussolini and Hirohito; for the extension of democracy all over the world, including the United States, and that in not making such a distinction in analyzing these forces in the course of the war, that we were not educating the people of this country and preparing the people of this country as to what would happen when the war was over, because after V-E Day, without going into before what happened with V-E Day, he said, when the monopolists resisted converting their—the ownership—the mines and mills and the munition plants that they owned unless they were guaranteed a profit, that already with the end of the V-E Day

Fanny Hartman—for Defendants—Direct

the monopolists of our country were interfering with the development of democracy in European countries, with actual intervention in China in support of Chiang Kai-shek, and there stood before Spain and Greece with monarchs and tyranny and the oppression of the people, and we had to point that out and not to forget that and not (T-9823) to forget to tell the American people that because plenty—the majority of the—the boys who had laid down their lives were the sons of the common people.

That, as I recall, was some of the things that he said.

In answer—in giving a report on that National Convention, adding that it was the abandonment of Marxism-Leninism that made us forget that the people who profit by war are the people who own the big business interests in our country, not the common people.

Q. Now the second phase of the report I think you said was given by who? A. I am sorry; I said as I recall that Otis added, included in his report the discussion on the Negro people in the course of the war.

Q. Oh, let's have that part. A. In the change, in the proposed change.

The Court: Now we got through subdivision of his report.

The Witness: That is right.

A. (Continuing) He stated that at the convention the delegates very carefully reviewed the mistakes that the Communist Party had made in connection with the fight for complete economic, social and political equality for the Negro people as guaranteed in the Bill of Rights.

Q. Now do you mean the Communist Party or the (T-9824) Communist Political Association? A. I said that the Communist Party through its history had such a position. The mistakes that we made during the period of the Communist Political Association in carrying through that program that has been consistently our program as far as I know since I joined the Communist Party.

The Court: That is what he said?

The Witness: No, no; he asked me a question and I answered.

The Court: I thought you were going on with what this Mr. Hood said.

Fanny Hartman—for Defendants—Direct

The Witness: No, I didn't.

The Court: Then you come back to it and Mr. Crockett will ask a question.

Q. Continue to tell us what Mr. Hood said in this portion of his report to the district convention. A. He stated that from delegate after delegate in that discussion came criticism and self-criticism of a failure to conduct a campaign to end Jim Crow in the armed services, to end discrimination on jobs and ungrading, to end police brutality, to end ghettos—we have them even in Boston he said—and that this failure to carry on the campaign for the rights of the Negro people stemmed from our departure from Marxism-Leninism and that in proposing the adoption of that draft resolution (T-9825) that we would return to the Marxist-Leninist position for full and complete carrying through of our American Constitution. That is as I recall what he said.

Q. Now the second portion of the report was given by whom? A. Anne Burlak.

Q. What did she discuss in reporting on the National Convention in New York in 1945? A. She dealt with the question of the problems that face the working people, the fact that the problems that the working people faced in the course of the war would become intensified after the war, and she explained that even in the course of the war employers took advantage of the no-strike pledge which the Communists, together with the rest of the labor movement, had campaigned for and adopted and carried through, and that the employers taking advantage of that chiseled on contracts, refused to recognize unions, introduced speed-up—she gave the example of textile mills in New England that were unfit to be lived in—this was in the course of the war—that already after V-E Day there had been layoffs, there were no arrangements made—provisions made of what would happen during a reconversion period; and stated that the National Convention analyzed that after the war there would be attempts on the part of the employers to smash unions, to introduce repressive legislation against (T-9826) unions, No. 1; No. 2, that another crisis would come when there would be unemployment and there would be layoffs and that we had to organize campaigns now

Fanny Hartman—for Defendants—Direct

she said—at that time already—for a reconversion program, for increases in wages, for extending labor and other necessary legislation to prevent the full effects of that crisis coming on the common people. That she said was a real application of Marxism-Leninism that the Party had had in its years of existence.

Q. Does that complete the report that was made by Anne Burlak? A. As I recall. I can't remember all the other things she said.

The Court: We will take our usual ten-minute recess. Then we will go on with what Mr. Bennett said.

(Short recess.)

(T-9827) Q. Have you completed giving us, Miss Hartman, the substance of the report made by Anne Burlak to the second session of the district convention of the Communist Party of Massachusetts in 1945? A. Yes.

Q. Now I believe you said the third session of the report was made by Dave Bennett? A. That is right.

Q. Now will you tell us what Mr. Bennett reported? A. Mr. Bennett reported on the discussion—for the report and the discussion on the reconstitution of the Party. He reported, first, of the critical, self-critical examination, of how the Party functioned during the CPA days, stating that again delegates from all parts of the country gave reports similar to the ones that we had in Massachusetts; that our clubs in the CPA days strove to organize the people in support of the war, sold war bonds, contributed towards the blood bank, helped to organize the unions in the course of the war, fought for legislation, et cetera, but that the vitality was lacking, the sufficient vitality that would come with the consistent application and understanding of Marxism-Leninism in the course of our work, and that—for example, he said the dissolution of the Communist Party in the South, then he referred to the testimony of Benjamin Davis in the course of that discussion, to the references (T-9828) made by Gene Dennis in that discussion, and to some of the other defendants—I can't remember whom else at this moment he mentioned—yes,

Fanny Hartman—for Defendants—Direct

I think Henry Winston and others—was an indication of the vitality that was—that we sought of our membership and of their contribution for its understanding and activity of the American people as a whole. He said that the report and the discussion indicated that, contrary to the policies of our organization guaranteeing full democracy and participation in forming of policy, that because we had abandoned Marxism-Leninism there was a bureaucratic form—practice not in keeping with our general democratic practice during the years of our Party's existence; that the organization of these clubs of a hundred, 150, 200, didn't permit a full discussion; that the fact that we were not during this period telling people about what socialism is, what it would mean for America, of having the mines and the factories and the railroads owned in common and operated for the common good instead of for the profit of a few monopoly owners, was hindering the very kind of immediate reforms that the Party was trying to organize and help to develop.

Those were some of the points he covered, and on that basis made the recommendation for the reconstitution of the Communist Party. That is a part of what he said. (T-9829) I don't recollect the whole of what he said.

Q. I believe you mentioned that in the course of his report Dave Bennett made reference to the contribution made in the discussion at the National Convention by various of the defendants. I think there has been some testimony in this case that the defendant Winston was in the Army at that time. A. I am sorry. I didn't—

Q. Did you mean to refer to Winston? A. As I said, I didn't remember actually all the people whom he referred to, and if I included Winston, I was wrong, because he was in the Army at the time.

Q. But you do say now that he referred to Mr. Dennis? A. Oh, yes.

Q. And he referred to Mr. Davis? A. Yes, and also, I think, to Mr. Williamson.

Q. Mr. Williamson? A. Yes.

Q. Was there any discussion—

Mr. Crockett: No, strike that.

Fanny Hartman—for Defendants—Direct

Q. Approximately how many delegates attended this second session of the district convention in Massachusetts? A. The same number that attended the first part of the convention.

Q. And did you have approximately the same number of alternates? A. Yes.

(T-9830) Q. And visitors? A. Yes.

Q. So in all you had pretty close to 400 people to hear this report on the National Convention here in New York of the Communist Party? A. Yes.

Q. What, if any, action was taken at the convention—

Mr. Crockett: Strike that out.

Q. Was there any discussion on the floor of the convention following these reports by the delegates? A. There was.

Q. When I say delegates, I mean the returned delegates, who came back from the National Convention here in New York.

The Court: Yes, you mean the three delegates.

Mr. Crockett: The three delegates.

The Court: Whose reports she has referred to.

Mr. Crockett: That is right.

A. There was.

Q. How was the resolution of the National Convention in New York considered? What was the procedure in considering the resolution of the National Convention? A. The procedure of the—at the second part of the convention, you mean?

Q. Yes. I believe you said they recommended approval of the resolution of the National Convention? A. They reported that they had voted for the National (T-9831) resolution of the convention and asked for support—a vote to indicate whether the convention agreed with their actions after the resolution was again read paragraph by paragraph or point by point, and their indication where our amendments were accepted and included in the resolution.

Q. When you say "our amendments," you are referring to those amendments which you said were proposed by the district convention in Boston and as to which the delegates

Fanny Hartman—for Defendants—Direct

were instructed to come here to the National Convention here in New York and see if they could not get the National Convention to approve amendments to the National Committee's draft resolution to that effect? A. That is right.

The Court: Yes, amendments and additions.

The Witness: That is right.

Mr. Crockett: That is right.

Q. Now, do you know whether or not any of the returned delegates, these three delegates, made any reports to any clubs of the Communist Party in the Greater Boston area of the—any reports dealing with what they observed at the National Convention here in New York? A. Yes, they did. It was my responsibility to get them to go to club meetings when the clubs requested a speaker on the convention and, therefore, I asked all three of them (T-9832) to attend various club meetings in the Greater Boston area to give a report on the convention.

Mr. Crockett: Would you mark this for me?

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

Q. I show you, Miss Hartman, Defendants' Exhibit 9 x F for identification, and ask you if you recognize that? A. I do.

Q. Will you tell us when you first saw a copy of that exhibit? A. A copy of that exhibit was given to me as a member of the West End Club, inviting me to attend a meeting of the West End Club.

Q. And did you attend that meeting? A. I did.

Mr. Crockett: I offer in evidence Defendants' Exhibit 9 x F for identification.

Mr. McGohey: No objection, Mr. Crockett.

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

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

The Court: Yes, you may.

Mr. Crockett: This is a leaflet, ladies and gentlemen of the jury, that reads: "West End, North

Fanny Hartman—for Defendants—Direct

End Club of the Communist Political Association, 3 Hancock Street, Boston, Mass. Membership meeting August 8, 1945, (T-9833) 8 p. m., 3 Hancock Street, Boston. Report from the National Convention, Otis Hood. A special panel session in preparation for the second session of our State Convention of August 11-12. The following panel discussions will be held. They are open to all members. Sunday, August 5, 3 p. m., Jewish Work at the conference room, third floor, Little Building; Sunday, August 5, 7 p. m., Negro Work, 44 Concord Square."

Underneath is "Mrs. Jones."

"Wednesday, August 8, 8 p. m., Trade Union Work, at the Ritz Plaza.

"Friday, August 10, 8 p. m., Organizational Problems at West End headquarters."

Q. Now will you tell us, Miss Hartman, what was the purpose for having those panel discussions?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was the meeting to which Defendants' 9 x F refers a meeting held in connection with a discussion period? A. It was.

(T-9834) Q. When was that discussion period? A. It was the discussion period that extended from the time of the calling of the National Convention to way after the National Convention and until after we had concluded our State Convention.

Q. So that you did have a discussion period immediately preceding the second session of the State Convention? A. That is right.

Q. Now at that meeting which is referred to in Exhibit 9 x F—

The Court: You mean August 8th?

Mr. Crockett: That is right, your Honor.

Q. —was there discussion there of the National resolution of the Communist Party that had been adopted at the Convention here in New York? A. There was no de-

Fanny Hartman—for Defendants—Direct

tailed discussion at that meeting of the National resolution. The clubs were impatient to hear what happened at the National Convention before our district convention met. Otis Hood who was a delegate was also a member of that club and gave an informal report and impression of the convention before he gave the report to the district convention.

Q. I see. Now was there any discussion of Otis Hood's report at that meeting of the West End Club? A. There was. I was present at that club meeting. (T-9835) He gave a limited report because the club had other things on the order of business such as, who was going to attend what panel. They wanted to make sure that as many members as could who could attend the conference would have the opportunity of participating in the panels that were announced there.

His report there, as I recall, dealt with what he—dealt with the second part of the convention, his general impression of the democracy with which the convention was run and also his impression of the report made by William Z. Foster at that convention.

Mr. Crockett: May I have Government's Exhibit No. 26?

Mr. McGohey: Here it is, Mr. Crockett (handing).

Q. I show you, Miss Hartman, Government's Exhibit No. 26, which is the 1945 constitution of the Communist Party of the United States of America, and I ask you if during the second session of your district convention in Boston in 1945 there was any discussion of Government's Exhibit No. 26? A. There was.

Q. Was there any reference in the course of the reports made by your three delegates to Government's Exhibit 26? A. It was a separate report.

Q. Now will you first tell us who made that report and then give us briefly what they said and recommended (T-9836) with reference to Government's Exhibit No. 26? A. As I recall, Dave Bennett made that report as a special point in the order of business, went over section by section of the constitution and included in it some of the

*Excerpts From Government's Exhibit 26,
Read into Record*

remarks made by Mr. Williamson on the constitution as to why—

Q. Do you recall what those remarks were? A. I recall he dealt with the preamble.

Q. Suppose you read the preamble. A. (Reading):

"The Communist Party of the United States is the political party of the American working class, basing itself upon the principles of scientific socialism, Marxism-Leninism. It champions the immediate and fundamental interests of the workers, farmers and all who labor by hand and brain against capitalist exploitation and oppression. As the advanced party of the working class, it stands in the forefront of this struggle.

"The Communist Party upholds the achievements of American democracy and defends the United States Constitution and its Bill of Rights against its reactionary enemies who would destroy democracy and popular liberties. It uncompromisingly fights against imperialism and colonial oppression, against racial, national and religious discrimination, against (T-9837) Jim Crowism, anti-Semitism and all forms of chauvinism.

"The Communist Party struggles for the complete destruction of fascism and for a durable peace. It seeks to safeguard the welfare of the people and the nation, recognizing that the working class, through its trade unions and by its independent political action, is the most consistent fighter for democracy, national freedom and social progress.

"The Communist Party holds as a basic principle that there is an identity of interest which serves as a common bond uniting the workers of all lands. It recognizes further that the true national interests of our country and the cause of peace and progress require the solidarity of all freedom-loving peoples and the continued and ever closer cooperation of the United Nations.

"The Communist Party recognizes that the final abolition of exploitation and oppression, of economic crises and unemployment, of reaction and war, will

Fanny Hartman—for Defendants—Direct

be achieved only by the socialist reorganization of society—by the common ownership and operation of the national economy under a government of the people led by the working class.

"The Community Party, therefore, educates the (T-9838) working class, in the course of its day-to-day struggles, for its historic mission, the establishment of Socialism. Socialism, the highest form of democracy, will guarantee the full realization of the right to 'life, liberty and the pursuit of happiness,' and will turn the achievements of labor, science and culture to the use and enjoyment of all men and women.

"In the struggle for democracy, peace and social progress, the Communist Party carries forward the democratic traditions of Jefferson, Paine, Lincoln and Frederick Douglass, and the great working class traditions of Sylvis, Debs and Ruthenberg. It fights side by side with all who join in this cause.

"For the advancement of these principles, the Communist Party of the United States establishes the basic laws of its organization in the following Constitution."

(T-9839) Q. Now was there any discussion of that preamble by the assembled delegates at this second session of the district convention? A. There was.

Q. Will you give us the substance of that discussion?

Mr. McGohey: Objection.

The Court: Do we need to have that, Mr. Crockett?—how they took it sentence by sentence, so and so said this, so and so said that, and they go on through this whole Constitution. If you think it is important I am inclined to allow you to do it, but I am just wondering what purpose it serves.

Mr. Crockett: I don't insist, your Honor.

The Court: All right.

Q. Let me ask you, was the preamble considered separately from the rest of the Constitution? A. It was.

Fanny Hartman—for Defendants—Direct

Q. Was the Constitution itself considered section by section? A. Yes, Mr. Crockett. We went over each section, asking the approval, that is, Mr. Bennett asking the approval.

The Court: And everybody had a chance to discuss it pro and con?

The Witness: That's right.

The Court: And they did?

The Witness: That's right.

Q. Did anyone suggest that there was any Aesopian (T-9840) language in that Constitution?

Mr. McGohey: Objection.

The Court: I will allow it.

A. Of course not, Mr. Crockett.

Q. Now following the district convention in Massachusetts, was a report of the decisions of the convention issued to the membership? A. There was such a report.

Q. I show you Defendants' Exhibit EE for identification and ask you if that is the report of the district convention decisions sent out following the district convention in 1945 (handing)? A. It is, sir.

Mr. Crockett: I offer it in evidence, your Honor.

The Court: What did you say that was, EE?

Mr. Crockett: EE for identification.

(Mr. Crockett hands to Mr. McGohey.)

Mr. Crockett: This is the original, if the Court please (handing to Court).

The Court: I have a note here that it is a mimeographed 3-page document.

Mr. Crockett: That is right.

Mr. McGohey: (After examining.) It is objected to, your Honor.

The Court: Objection sustained.

Mr. Crockett: May I inquire as to the basis of (T-9841) the objection, your Honor?

The Court: I don't think I need to argue it. That was rejected before, you know, Mr. Crockett.

Fanny Hartman—for Defendants—Direct

Mr. Crockett: It was rejected before because the witness Philbrick could not definitely identify this as a copy of the decisions that were sent out. He did state there was a copy of the document containing the decisions of the convention.

The Court: Very well.

Mr. Crockett: And this witness has definitely identified it as the document.

The Court: Well, I don't think I need any argument on it.

Q. Do you recall the decisions that were reached by the district convention in Massachusetts in 1945? A. I can recall some of them. It was a pretty lengthy convention but I will recall them to the best of my ability.

Q. Will you tell us what those decisions were? A. The decisions, as I recall, dealt with, 1, the fact that with the ending of the war—I think the convention was held around V-J Day. The immediate—the need for the Party immediately to initiate a campaign and to enlist other organizations for a reconversion program to meet the dislocations, the unemployment (T-9842) resulting from the fact that the war was over, and a whole series of legislative proposals were made; support of the Murray-Wagner-Dingell Bill; the support of the bill for guaranteeing full employment; other legislation of that character; the decisions that were made were for a campaign to guarantee the return of President Roosevelt's policy of friendly collaboration with the Soviet Union and Big Three unity, and the carrying through of the Potsdam decisions as regards the defascization—getting rid of the fascists who were in Germany, the trials, etc.; the support to the United Nations.

There was a legislative program around those two questions; support to the national—to a movement for a national FEPC—Fair Employment Practices Bill, anti-lynch bill, etc.

Those were some of the legislative decisions arrived at in the decisions of the convention, plus the program of action adopted at the National Convention, and for state legislation, for a campaign to introduce a State FEPC Bill in Massachusetts; for a bill to guarantee low-cost housing projects.

Fanny Hartman—for Defendants—Direct

I am sorry, I don't remember the rest of them, but there was such a legislative program projected.

The Court: If you wish to take a moment to think I will allow you to do that—or more.

(T-9843) Mr. Crockett: Will you please mark this for identification (handing to clerk).

The Court (To Witness): If you can think of any more, you may state them while the clerk is marking this exhibit for identification.

(Marked Defendants' Exhibit 9 x G for identification.

The Witness: I think I recall some more, Mr. Crockett.

The Court: You may go ahead.

A. (Continuing) There was—there were a series of decisions arising out of recommendations from the panels on specific phases of work as regards the trade union movement, and the question of wages, the fact that wages were still frozen to the Little Steel Formula, a campaign to revise the Little Steel Formula and to permit for increase of wages. There was a decision to follow a policy of concentration by the Communist Party, first, in the major industry of New England, the conditions of the workers in that industry determining and influencing the conditions of the rest of the people, and that was the textile industry; a policy of concentration—I think the decisions were in there—of special attention to the needs of the textile workers, the distribution of leaflets—

(T-9844) The Court: Was it just the textile workers?

The Witness: I said, the textile workers first.

The Court: Yes, to concentrate on them first?

The Witness: That is right because they represented that industry where—that had the largest number of—I think there are some 200,000 textile workers in New England, and whose conditions of employment affect the rest of the whole area. That was based also on our practical experience during the course of the war where, for example, another industry—

Fanny Hartman—for Defendants—Direct

The Court: You were telling us about decisions.

Mr. McGohey: I object.

The Court: Decisions—

The Witness: Yes.

The Court: —they arrived at. You see, you keep putting in this argumentative and discursive matter once in a while. You are just telling us what they decided.

The Witness: Yes.

A. (Continuing) The other industries, as I recall, because of their size, and mass production industries and their influence in the general economic and political life in New England, was still the shipbuilding industry—

The Court: They were to concentrate on that? (T-9845) The Witness: That is right.

A. (Continuing) The metal electrical industry, and the shoe industry. Those were the major industries that the Party should concentrate on.

Q. What is meant by "concentration"?

The Court: Just let me make this little memorandum here before we go on. I am getting down this exhibit.

All right, Mr. Borman (handing to clerk).

Mr. Crockett: I should like to withdraw my last question, if the Court please, and come to it later.

The Court: What is that?

Mr. Crockett: I say, I should like to withdraw my last question and come to it later. It had to do with this business of concentration, but I feel we can take that up later.

The Court: You may withdraw that and come back to it later.

Mr. Crockett: Thank you.

Q. I show you, Miss Hartman, Defendants' Exhibit 9 x G for identification, and ask you if you will—if you recognize it? A. I do.

Q. When did you first see it? A. It was given to me by the West End Club, notifying me of a meeting where they were going to have a report from this—

Fanny Hartman—for Defendants—Direct

Mr. McGohey: I object, your Honor. Looks (T-9846) like we are getting the exhibit read.

The Court: You went—

Q. Just tell me when—

The Court: Let me just ask a question. You went to that meeting, didn't you?

The Witness: Yes.

Q. When was this meeting? A. Wednesday, August 22nd.

Q. Was that subsequent to the district convention that you have been testifying about? A. Yes, it was.

Q. Was there any consideration at that meeting of the decisions that had been reached at that district convention? A. Oh, yes, the club—

Q. I show you Defendants' Exhibit EE for identification, and ask you if a document such as that was before the membership at that meeting, at which time they considered the decisions that had been reached?

Mr. McGohey: Objection.

The Court: Sustained.

You know, she has told us all about it, Mr. Crockett. It is the funniest thing, you always think —you always seem to think that if a witness talks and tells us all about it, then you can get a mimeographed sheet or some report and put it in too. I never could quite understand that. You have had the testimony of a witness who was right there and saw the whole thing, (T-9847) heard all about it, and has told us. Now, that is firsthand testimonial evidence, the paper is not.

Mr. Crockett: I think that exhibit for identification indicates additional decisions that were reached and sent out to the membership, which hasn't been testified to here, and that is why I want to get it identified and lay the foundation and offer it.

The Court: I know, you have been trying for a long while to get that in and each time I ruled it out. Then you try another way.

Fanny Hartman—for Defendants—Direct

The witness has testified to the decisions that were made, she has given us a long description of discussions, determinations, and so on, and I think the matter may be rested there, even if they went over it all again in this subsequent meeting of the club. I cannot see what effect that may have other than to be merely cumulative.

Q. Can you, Miss Hartman, by referring to Defendants' Exhibit EE for identification—

Mr. Crockett: Well, strike that.

Q. First, have you given us your best recollection of what the decisions of the district convention were that were sent out, I think, according to your testimony, to the various clubs for discussion in the clubs? A. Mr. Crockett, I didn't finish—

(T-9848) Q. Oh, I am sorry, go right on. A. (Continuing) The decisions that were made, that were made and presented to the clubs at that convention.

Q. Finish it.

The Court: The question is not so much what was presented to the clubs, but you took a long time telling us what decisions were arrived at at the convention.

Now you have thought of some more, have you?

The Witness: I am sorry, I didn't finish.

The Court: But I say, you—oh, you mean you thought of that earlier but you weren't given an opportunity to finish?

You may now do so, but what you are telling us about is some more decisions that were arrived at in the convention.

Mr. Crockett: I believe, your Honor, in fairness to the witness I should point out that I interrupted her and I think the record will indicate that.

The Court: I don't think you need to—

Mr. Crockett: No, but she mentioned there was a decision on concentration—

(T-9849) The Court: It was probably because I said, "Let me make my note here for a second."

Colloquy of Court and Counsel

I had that exhibit. It doesn't matter. Nobody is criticizing her for not saying it before.

Now, you go ahead, Miss Hartman, and tell us what else you remember.

The Witness: We made a decision as regards our activity—

Mr. McGohey: If the Court please, the witness has Exhibit EE in front of her.

The Court: Oh, how did that get there?

Mr. Crockett: I just handed it to her to establish a foundation and I didn't pick it up.

The Court: Oh, I didn't realize that.

Mr. McGohey: The witness has just turned that over and looked at it before she started that answer.

The Court: I don't know whether that is quite cricket or not. But, all right, you remember some more. Now, you may tell us.

(T-9850) Mr. Crockett: Let me first interpose an objection to your Honor's remark about you don't know whether that is quite cricket or not.

The Court: What I meant by that, Mr. Crockett, was that if you are going to have the witness's recollection refreshed I would have thought it a little better to say so on the record rather than putting a paper in front of her and having her read without my noticing it. It doesn't amount to an awful lot but it is not the best way to do it. Let's not blow it up into a big point, which it isn't.

Mr. Crockett: I don't want to blow it up. I think the record will indicate that I handed the witness the exhibit after I asked if she had given her best recollection and it was then that she said she had some more—

Mr. McGohey: That is my point, without having it before her the witness said she had some more and then she started to read from a paper that was twice excluded.

(Mr. Sacher stands up.)

The Court: Let's not blow it up. Let's let that go.

Fanny Hartman—for Defendants—Direct

Mr. Sacher: I don't want to go into it but really I think Mr. McGohey should testify less and try more.

Mr. McGohey: Well, I am trying enough, God knows, (T-9851) your Honor.

The Court: Now, Miss Hartman, now that the dust is gradually settling you may tell us the additional decisions that you now recall.

The Witness: I recall that we made a decision arising out of the panel as regards the Negro people and their campaign for complete, economic, political and social equality that we initiate and enlist the cooperation of other organizations in a bill to be presented to the State Legislature, the State FEPC Bill.

By the Court:

Q. You mentioned that before. A. And that our people in the shops and unions take the initiative in their unions for a campaign that the Negro workers remain in such industries as shipbuilding from which they had been barred prior to the war.

The other thing I remember deals with the panel on the Party's function and its role. I recall there was the Greater Boston area specifically referred to in that convention decision, the campaign for Otis Hood running for School Committee in November and then because this had had a great deal of discussion at the convention for the improvement of our methods of leadership in the servicing of the clubs, the basic organization of our Party, their size to permit complete democratic (T-9852) organization, their campaigns locally, and to assist the membership through discussions of the convention decisions, of the reports made by Dennis and Stachel and Williamson and Davis—

Mr. McGohey: Your Honor, I submit we have had this before. This is not new.

The Court: Well, I am a little bit inclined to let her finish. Possibly the witness will be through remembering these in a few minutes. I don't want to put it over until tomorrow.

Fanny Hartman—for Defendants—Direct

Q. You go on telling us the rest of those you remember.
A. And that we have a whole educational program including class discussions, club discussions on these policies, classes on the theory of Marxism-Leninism related to the practical activities that the clubs were engaged in, and the instructions to the incoming leadership.

Q. About teaching in these— A. That these classes and discussions be organized.

That is what I recall as the final part of the convention decisions.

Q. Did they decide just what they were going to teach them in these classes?

The Witness: They did not decide that.

Q. Did they put somebody in charge of that? A. As (T-9853) I recall the specific recommendation of the convention was to the incoming district committee to set up a committee, a sub-committee to work out a full educational program.

Q. Work it out with the National Board or independently? A. The instructions were to work it out. There was no specific recommendation of working it out with the National Board.

The Court: That is about all you can remember?
The Witness: It is.

The Court: This is a good time to adjourn.

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 instruction of the Court.

We will now take a recess until tomorrow at 10.30.

(Adjourned to July 14, 1949, at 10.30 a. m.)

8639

Fanny Hartman—for Defendants—Direct

(T-9854)

New York, July 14, 1949;
10.30 a. m.

TRIAL RESUMED

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

You may proceed, Mr. Crockett.

Mr. Crockett: Thank you, your Honor.

FANNY HARTMAN, resumed the stand.

* * *

Direct examination continued by Mr. Crockett:

Q. I notice, Miss Hartman, the following paragraph in Government's Exhibit No. 36 concerning panel sessions on Sunday morning at the district convention, concerning which you testified yesterday. It says, "The panels will be: Work among the Negro people; 2. New problems (T-9855) in Trade Union work. 3. Problems of our Communist organization; 4. Press and literature," and then on yesterday you testified at page 9808 of the record, I believe, that two of these convention panels were combined. Which two were combined? A. The panel on Party organization and on Press and literature.

The Court: What is that?

The Witness: The panel on Party organization and on Press and literature.

Q. Was there any particular reason why those two panels were grouped as one?

Mr. McGohey: Objection.
The Court: Sustained.

Fanny Hartman—for Defendants—Direct

Q. Can you tell us who made the report to the convention on the discussion at that combined panel? A. Justine O'Connor.

Q. Now I would like to call your attention to page 2672 of the record and the following testimony of the witness Philbrick:

“Q. Give us your best recollection of the substance of the report by Justine O'Connor.”

Was there any other report made to the convention by Justine O'Connor other than the report on the discussion in this combined panel? (T-9856) A. There was not.

Q. The answer of the witness Philbrick:

“Justine O'Connor at the reconvened session in August called for the organization and setting up of an educational commission to carry out an elaborate program of educational work in Marxism-Leninism. She called for the production of leaflets and pamphlets and booklets; she called for a speakers's bureau; she called for a series of training classes; and I don't recall just what, but she had quite a long program, a complete program, calling for educational work to be carried out by the newly organized group for purposes of educating members in Marxism-Leninism.”

Now, I ask you if that is a correct statement of the substance of Justine O'Connors report to this convention? A. It is not. The heart of it was left out.

The Court: Will you read that answer?
(To witness) I wish you would try to keep your voice up a little bit this morning.

(Answer read.)

The Court: “The heart of it was left out.”

Q. Will you give us your best recollection of the report made to the convention by Justine O'Connor? A. The report made to the convention by Justine (T-9857) O'Connor had a central theme and that was that everything we do, whether it is backing a bill in State or National legisla-

Fanny Hartman—for Defendants—Direct

tion, or promoting union organization, is, in a sense, educating the people in our program of what is Marxism-Leninism.

Q. And this is what Justine O'Connor said to the convention? A. This is the report that she made.

And she said, we are going to have a fully dynamic, active membership to the degree that they understand this, the fundamental laws of society related to the everyday activities that they are conducting and to the degree that they bring them to the people, and she cited two concrete examples to indicate the kind of classes and educational program that was necessary.

(T-9858) She said, "What is the difference between us and other people? To say we are for the continuation of OPA"—

The Court: That is the first example?

The Witness: Yes.

A. (Continuing) A lot of people are, and to the degree that our own people and they in turn explain to those with whom they are working, what's the difference, to that degree they are going to work all the harder for maintaining OPA and for insisting that there be labor representation and representation of the common people on OPA instead of their being dominated by representatives of business who wanted to so cripple it that it would have to be abolished, and she added—

The Court: Now before you get to illustration 2, let me have the reporter read it, which I did not quite understand.

(Answer read.)

The Court: All right, that is concrete example No. 1 that she gave?

The Witness: That is right.

The Court: Now go on.

Q. Did she say anything else about OPA? A. I hadn't finished.

The Court: You go right ahead.

A. (Continuing) And she said "We have to point out (T-9859) in our class discussions and in our leaflets, in our

Fanny Hartman—for Defendants—Direct

pamphlets that the very need for worrying about prices and the fact that people can't make a living arises out of the capitalist system itself because if things were not produced just for profit, and not because labor produced them and they needed what they produced, if we had a system of Socialism, then there would not be a situation where monopolies controlled the goods of the country, could hold back production to guarantee high rates of profit, and there would be a better understanding why. We have got to protect", she said, "the interests of the common people."

That was the first example.

The Court: That was clear to everybody there,
I take it?

The Witness: It was—

The Court: That was concrete illustration No. 1.
Now you go on to No. 2.

Q. That was the example of what she meant, I think you said, about explaining to the membership why the Communists supported OPA even though there were other groups who supported OPA? A. That is right.

Q. Is that what you mean?

The Court: Well, she is explaining—Justine (T-9860) O'Connor was explaining, as I understand it, that everything we do is educating the people in the principles of Marxism-Leninism, to wit, the concrete example No. 1 which has been described.

Am I right about that, Miss Hartman?

The Witness: I think I said that we were both educating and practicing the principles of Marxism-Leninism in supporting the OPA with its limitations, while pointing out why the problem of high prices in the country.

The Court: Now go on with illustration No. 2.

Q. What was the second example that Justine O'Connor gave to the convention? A. The second example that she gave was the campaign against the rise of anti-Semitism in New England. She cited an example in Dorchester, which is an area in Boston, where Jewish boys had been

Fanny Hartman—for Defendants—Direct

attacked in the park there and she said lots of people don't approve of anti-Semitism, we are working with all kinds of religious groups toward spreading an idea of racial and religious tolerance, what is the difference between how they do it and our cooperation with them and how we present our ideas on where anti-Semitism comes from. And she added again, Marxism-Leninism teaches us that under a capitalist system it is to the interests of the big trusts in our country to divide the common people and to deliberately (T-9861) instill and encourage anti-Semitism and that the final solution of ending anti-Semitism, ending anti-Negro discrimination, lay in the abolishment of the system of exploitation in our country, and she said therefore all of our classes, all of our discussions must serve to give this fundamental understanding to every one of our members who in turn can translate it to the people among whom they operate of how we consider and support reforms, how we relate them to the fact that fundamentally the problems that are plaguing the people are going to be solved by Socialism and how in understanding that we work all the harder for the fulfillment of these reforms.

Q. Now is that all you can recall concerning the report made by Justine O'Connor? A. That is the heart of her report.

Q. Now that is in addition to the statement made here by the witness Philbrick that she recommended the setting up of an educational commission? A. Yes, it is.

Q. And the carrying out of this educational program in the sense you have explained it, is that right? A. Yes.

The Court: I think what the witness said is that what Mr. Philbrick said was all right as far as it went but he left out the heart of it and that she has now supplied the omission.

(T-9862) Q. Were these recommendations as reported to the convention by Justine O'Connor approved by the convention? A. They were.

Q. And was the membership of the Communist Party in the Greater Boston area notified of this approval by the convention of a renewed educational program? A. They were.

Fanny Hartman—for Defendants—Direct

Q. Can you tell us how the membership was notified?
A. Yes. I think I referred yesterday to the fact that the decisions of the convention were outlined in mimeographed form and there were copies sent to all the clubs for the members to read. The clubs were all urged to have reports and discussion of the convention and how the convention applied to their whole community. I attended many clubs.

The Court: I really think it will save us so much time if you just answer the questions. You do what the rest of these witnesses have done: you were asked a question and then you go on and on and on. Just see if you can't avoid that.

Q. Just let me ask you this question, Miss Hartman: How do you know the membership was notified? A. I know that I gave to club leaders batches of these mimeographed decisions and I know that I attended many meetings of different clubs in the area where these (T-9863) decisions were discussed.

Q. Tell me, do you know the witness Philbrick? A. I do.

Q. When and where do you recall first meeting him? A. I recall meeting him about a week, I should say, after the convention. He came up to the office to see me and asked if—

The Court: Now you see that is the kind of thing I was referring to. He didn't ask you anything about all those circumstances. You met him a week after the convention. Now what is the next question?

Mr. Crockett: I did ask where she met him and she was just stating that he came up to her office to see her, so that was responsive to my question.

The Court: Oh, I didn't understand that.
Is that the fact?

The Witness: That is.

The Court: So you met him about a week after the convention at your office, he came up there?

The Witness: Yes.

Colloquy of Court and Counsel

Q. Will you tell us the circumstances under which you met him on this first occasion? A. Yes. He wanted to talk to me.

Q. What was said between the two of you?

Mr. McGohey: Objection.

(T-9864) The Court: I will allow it.

Mr. McGohey: If the Court please, may I be heard on that?

The Court: Yes.

Mr. McGohey: I think there is no foundation at all for this conversation. This is direct examination of this witness.

The Court: You mean—

Mr. McGohey: There has been no testimony on direct of a conversation between the witness Philbrick and this witness.

The Court: Well, I thought that is what Mr. Crockett was working up to.

Do you understand it so likewise, Mr. Crockett, that there has been no testimony as part of the prosecution's case about any conversation with Miss Hartman?

Mr. Crockett: The witness Philbrick did not testify to any conversation with Miss Hartman at the time mentioned, but I think we are entitled in presenting our own case—and I am presenting this as part of our own case—to show the nature of a conversation with him and what happened as a result of that conversation. I submit a foundation has been established—the time, the place and who was present has already been brought out.

(T-9865) The Court: I take it this is preliminary to something else you desire to prove?

Mr. Crockett: It is.

The Court: Because I gather that nothing said by Mr. Philbrick would be in the nature of an admission. Something said by one of the defendants would be admissible on behalf of the prosecution as an admission.

Mr. Crockett: I have no idea of eliciting an admission.

Colloquy of Court and Counsel

(Mr. Sacher stands up.)

The Court: I see you desire to be heard.

Mr. Sacher: Very briefly.

The Court: The jury is excused.

Mr. Sacher: I haven't—

The Court: You just wait. You sit down for a minute.

The jury is excused.

(The jury leaves the courtroom.)

The Court: Mr. Sacher, what is it you desire to say that Mr. Crockett was not competent to take care of?

Mr. Sacher: There is no such indication in my rising.

The Court: I find every time there is some argument you desire to get in. Now you are in it; what have you to say?

(T-9866) Mr. Sacher: I had a very brief and not too large point to make and that is that if there was anything Mr. Philbrick said to Miss Hartman which may tend to contradict and negate anything he testified to that that might be competent and relevant.

The Court: Without laying a foundation by testimony of Mr. Philbrick?

Mr. Sacher: I am sorry?

The Court: I say without laying a foundation in the cross-examination of Mr. Philbrick?

Mr. Sacher: I say that any inquiry which would go to a conversation which tended to contradict and negate the testimony of Philbrick would be valid testimony.

The Court: My understanding is that in order to do that you must lay a foundation by asking the prosecution witness in cross-examination if at a certain time and place he said thus and so. That is the law as I understand it.

Mr. Sacher: If it is designed to negate a conversation at such and such a time and place, yes. If it is designed to negate something else that he

Colloquy of Court and Counsel

testified to it is valid to ask this witness concerning that.

The Court: That is the point. If you want to negate something he testified to and the negation is of a conversation it is my understanding of the law that (T-9867) you must lay the foundation for it by asking him about the subject on cross-examination, the purpose being that he might well then and there admit that the conversation did take place. There was absolutely no foundation laid.

Mr. McGohey: That is the point of my observation. There was no testimony in Mr. Philbrick's direct examination brought out by the Government as to any conversation with this witness and the cross-examination by Mr. Crockett is entirely bare of any reference to any such conversation.

The Court: Now, Mr. Crockett, you say you desire to have this witness testify to something of a purely preliminary character?

Mr. Crockett: That is right.

The Court: Working up to some other thing?

Mr. Crockett: That is right.

The Court: That other thing being a conversation with Mr. Philbrick?

Mr. Crockett: No, the other thing, if your Honor wants me to indicate, leads up to this so-called commission about which Mr. Philbrick testified that he was a member.

Mr. McGohey: Well, it seems to me, your Honor, the fact of whether or not he was on the commission could certainly be inquired about without going into some conversation had beforehand.

The Court: Yes. I will sustain the objection.

Call the jury back.

(T-9868) (Witness coughing.)

(The jury returns to the courtroom.)

(Witness coughing.)

Mr. Crockett: If the Court please, Miss Hartman is recuperating from an illness and I desire to inquire—

Fanny Hartman—for Defendants—Direct

The Court: What is that?

Mr. Crockett: Miss Hartman is recuperating from an illness and I desire to inquire if she is feeling all right now and well enough to continue.

The Court: Do you think we had better ask her?

Mr. Crockett: I think it would be a good idea.

The Court: Do you feel well enough to go on, Miss Hartman?

The Witness: Well, we will have a recess some time?

Mr. Crockett: The usual recess is at 11.30.

The Court: Do you feel ill? If you feel ill, Miss Hartman, we will take a recess right now. The question is, do you feel well enough to go on? Now, you decide about that yourself. If it is just a little coughing fit that will pass off in a moment, that is one thing. If you have been ill and you now feel too ill to go on, why, we will just adjourn for a little while.

No one can tell about that but yourself.

(T-9869) The Witness: I would appreciate it for a little while.

The Court: Very well, then, we will take a recess. How long do you think we should take, about ten minutes?

The Witness: Yes.

The Court: All right.

(Short recess.)

(The jury returns at 11.15 a. m.)

The Court: Do you feel well enough to go on?

The Witness: Yes, sir.

The Court: All right. If at any time you want us to stop, you let me know.

The Witness: Thank you.

By Mr. Crockett:

Q. Miss Hartman, as City secretary for the Communist Party in the Greater Boston area, did you have any general responsibility in connection with the carrying out of the

Fanny Hartman—for Defendants—Direct

decisions of the District Convention, particularly the one with reference to the holding of educational classes? A. I did.

Q. What was that general responsibility? A. Well, as a—I was a member of the District Committee as well as the full time City secretary. The District Committee had the responsibility of reviewing (T-9870) the decisions and checking to see if the decisions were carried out.

Q. And was it your job, in so far as the Greater Boston area was concerned, to make periodic checks to see if the decisions were being carried out and what work was being done to implement the decisions? A. That is correct.

Q. And did you receive periodic reports from the various clubs concerning their activities? A. That is correct.

Q. Now, did you ever recommend the witness Philbrick for any function in the Party in reference to the Party's educational work? A. I did.

Q. Will you tell us when such a recommendation was made? A. It was made to—

Q. No; when was it made? On what occasion was it made? A. Well, it was made right after he came to see me and on the basis of my talk to him.

Q. What was that recommendation? A. The recommendation was that he assist the Party in the layout and design of leaflets and to teach people in the clubs, to follow his suggestion that he teach people in the clubs on how to make attractive leaflets.

Q. Did he suggest that he was competent to do that?

Mr. McGohey: I object.

(T-9871) The Court: Sustained.

Did you say, Miss Hartman, that you told him to teach the people in the clubs the layout and design of leaflets, that is, that he was to teach the people in the clubs, is it?

The Witness: That we were to follow his suggestion of organizing a class where he would teach people from the clubs how to attractively get out leaflets.

The Court: That is just what I said.

Q. Did he volunteer to do this? A. He more than volunteered.

Fanny Hartman—for Defendants—Direct

Mr. McGohey: Objected to, your Honor. I—
The Court: Sustained.

Q. To whom did you make this recommendation? A. I made it to Mr. David Bennett, the district organizational secretary, who—

Q. Did Mr. Bennett have any functions in connection with the setting up of the education commission that had been decided upon by the convention? A. Yes. In his capacity as organizational secretary he was responsible for the setting up of the committee.

Q. Of the Commission? A. Of the Commission.

Q. And you recommended to him that he include Philbrick on that Commission? A. I did.

(T-9872) Q. The members of the Commission were all appointed, is that right? A. They were.

Q. And their appointments were approved by the District Committee? A. That is right.

Q. Do you know whether or not the witness Philbrick did serve on that Commission? A. Yes.

Q. And do you know whether or not he did have the assignment of conducting a class in the designing and production of leaflets for the Communist Party? A. Yes.

Q. Do you know whether or not he carried out that assignment? A. I do know.

Q. Will you state?

Mr. McGohey: State what?

Mr. Crockett: Whether he did.

Mr. McGohey: I object—she answered that he did.

The Witness: No; I do know. I said whether he carried it out. I didn't say whether he did or he didn't.

Q. Well, did he carry it out? A. He tried to with my help.

Q. Will you explain what you mean by that? A. He came up to see me and said, "Look, when are you getting started?"

(T-9873) The Court: Is this that conversation I excluded a little while ago?

*Excerpts From Government's Exhibit 38,
Read into Record*

The Witness: No.

The Court: It is another one?

The Witness: It is another one.

Mr. McGohey: I object to any other conversation, your Honor, no foundation laid for it.

The Court: Sustained.

Q. Was there any indication of eagerness on the part of the witness Philbrick to assist in this work?

Mr. McGohey: Objection.

The Court: Sustained.

* * *

Q. Miss Hartman, I show you Government's Exhibit No. 38.

Mr. Crockett: That exhibit, ladies and gentlemen of the jury, reads:

"Dear Comrade:

"On next Monday night, October 15th, we are holding a meeting of discussion group leaders to prepare a course of study on principles of Communism. You have been suggested as a person who has taught or is interested in teaching Marxist study groups. From all sections of our (T-9874) membership is coming a healthy demand for Marxist education. We are in the process of organizing an education committee to meet these demands. The immediate, most pressing need is an elementary course in principles, a draft outline for which is being prepared. There will be needed at least fifteen teachers for these classes. The meeting is Monday, October 15, 8.00 p. m. at the West End Headquarters, 3 Hancock Street, Boston. If you have time re-read the Communist Manifesto before the meeting.

"Comradely, Fanny Hartman,

"For the District Board."

Fanny Hartman—for Defendants—Direct

(T-9875) Q. Miss Hartman, did you send this letter (handing)? A. I gave it to club leaders to send out or to give to people to the club.

Q. And was this subsequent to the time that the witness Philbrick came in and inquired, I think, according to your testimony, when you would get started?

Mr. McGohey: Objection, your Honor. That is exactly what your Honor ruled out, and I ask that your Honor direct Mr. Crockett not to include in the question matters which your Honor has ruled out.

The Court: Well, you know, it happens so much here I get sort of used to it. I think we have got an intelligent jury here and they are just not going to pay any attention to that.

I will sustain the objection.

(T-9876) Q. How many sessions of this class—I think you said you knew that Mr. Philbrick did have some—that he carried out the assignment or tried to carry out the assignment?

The Court: Yes, she said he tried to, indicating that he didn't.

Q. Were there any classes taught by Mr. Philbrick on preparation of leaflets? A. There were not during that period.

Q. I see.

The Court: What period was that?

Mr. Crockett: That is the period immediately following—oh, you are asking the witness.

The Court: Yes, I am asking the witness.

The Witness: The period immediately following the convention.

Mr. McGohey: Could we have the terminal part of that?

The Court: She said immediately following the convention. The latter part of the convention was in August. I take it you mean during the period within a month or two after that, Miss Hartman? Am I right about that?

Fanny Hartman—for Defendants—Direct

The Witness: I can't remember. I think so.

The Court: Let me direct your attention to this (T-9877) letter which is dated October 8, 1945. I think Mr. Crockett's question referred to the period immediately following this letter. Now in that period immediately following this letter under date of October 8, 1945, did Mr. Philbrick to your personal knowledge conduct any classes in the matter of preparing leaflets?

The Witness: He did not.

Q. Now I notice that this letter, Government's Exhibit 38, is signed Fanny Hartman for the District Board. Did you send out this letter? A. I think I answered that, Mr. Crockett.

The Court: Even if you did, answer it again. Don't pick on Mr. Crockett that way.

Q. In what way was this letter sent to the people to whom it was sent? A. I gave the letter to leaders of clubs with whom I consulted and suggested that they send people to this class.

Q. Now why did you sign this letter for the District Board?

Mr. McGohey: Objection.

The Court: Sustained.

Q. Was there any previous discussion with the District Board prior to the time this letter was sent? A. There was.

Q. And the personnel of that District Board was the (T-9878) same as that you gave yesterday, is that right? A. That is right.

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

The Court: Well, it seems to me that the witness has testified that it was one of her responsibilities to do this sort of thing and she did it.

Mr. McGohey: But my objection is about whether this Committee or Board is the same she testified to

Fanny Hartman—for Defendants—Direct

yesterday. She testified according to my notes to at least two committees—the District Committee and the City Committee.

The Court: I think it is sufficiently evident that the witness has testified to her responsibilities under the decision made by these classes and pursuant to the performance of that duty she prepared or sent out or directed this letter to be given to the persons that she has testified about. That ought to give you just what you need about that, Mr. Crockett.

Q. Miss Hartman, I believe you had testified that there was an Education Commission. Was there an Education Commission in the process of being formed at the time you sent out this letter? A. There was.

Q. Now will you tell the Court and the jury why you sent the letter out rather than the Education Commission?

Mr. McGohey: Objection.

(T-9879) The Court: Sustained.

Q. Will you tell us what you did in connection with the holding of this meeting, what arrangements were made for the meeting, and how those arrangements were made for the meeting referred to in Government's Exhibit 38? A. I discussed with my club, the West End Club—the chairman of it, Mrs. Frances Hood, the use of the headquarters for the class and arranged for it. I consulted the people from the clubs who came up to the office and who had pressured me into holding such a class without waiting for the Educational Committee to get started, because the membership was so anxious to have these classes, and said, "All right, let's have it. Send some people to the class and we will get it organized."

Q. Now was this meeting held as scheduled in Government's Exhibit 38? A. It was.

Q. And did you attend the meeting? A. Yes, I did.

* * *

Q. I show you, Miss Hartman, Government's Exhibit No. 39—

* * *

Fanny Hartman—for Defendants—Direct

(T-9880) Q. —and I ask you if Government's Exhibit No. 39 is the outline to which you referred in Government's Exhibit No. 38 when you said a draft outline which is being prepared for this elementary course? A. It is.

Q. Now I call your attention to page 2681 of the transcript—

* * *

Q. —and to the following testimony of the witness Philbrick—

Mr. Crockett: I believe it begins on 2682.

Q. —“(Government's Exhibit 39 for identification received in evidence.)

“The Court: Would you rather start reading this in the morning, Mr. Gordon?

“Mr. Gordon: Well, I have a question concerning 39 and then perhaps we could read them through in the morning.

“The Court: Very well.

“Q. At this class that you attended and received this outline, Exhibit 39,—this question was put to the witness (T-9881) Philbrick—“was any definition given of revolution? I direct your attention to the middle of the second page, where it says ‘Define Revolution.’ ”

Do you find that? A. I find it.

Q. And then another question from the transcript or answer:

“A. Yes, sir, there was a definition of revolution given in the first session of this course—training course.”

Then the question:

“Q. Will you tell the Court and jury what the definition was?”

Then there were some objections and the Court overruled them, and then the Court said:

“What did the teacher say?

“The Witness: The teacher defined revolution as a violent revolution to be carried out by bands