

[fol. 539] the biography of Joseph Stalin introduced—this is Exhibit No. 11.

A. (Continuing:) Yes, I saw those.

Q. Do you want to count them so we can have it for the record?

A. According to my rapid count, there are eighty-four copies.

Q. In the carton designated as Commonwealth Exhibit No. 11—here's another one in the bottom.

A. Eighty-five.

Mr. Nelson: What number were there?

Mr. Lewis: Eighty-five.

Mr. Nelson: Are you going to give them to the jury, copies of it?

Mr. Lewis: Well, they are in evidence—I don't know whether I offered them. We offer Commonwealth Exhibit No. 11 in evidence.

The Court: Any objection?

Mr. Nelson: Which is that?

The Court: To Exhibit No. 11, the eighty-five volumes.

[fol. 540] Mr. Nelson: Yes, I object on the grounds—

The Court: Objection overruled.

Mr. Nelson: That non-marked copies be given to the jurors.

The Court: The jurors have access to everything that is offered in evidence, Mr. Nelson, after they commence their deliberations.

Mr. Nelson: It will take a long time to read all that stuff.

(Commonwealth Exhibit No. 12, marked for identification.)

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 12, and ask you if you know what that is?

A. A copy of the "Daily Worker."

Q. Of what date?

A. July 18, 1950.

Q. Did you ever see it before?

A. I did.

Q. Where did you see it?

[fol. 541] A. In the Communist Headquarters in the Bake-well Building.

Q. When?

A. On July 19th, 1950.

Q. Now can you tell us what the "Daily Worker" is?

A. The "Daily Worker" is the organ of the Communist Party of the United States, in the United States.

Mr. Nelson: Objection.

The Court: For what reason?

Mr. Nelson: He doesn't know that. That's his opinion. Let him read it into the record if it is on there.

The Court: You may cross examine him on it, Mr. Nelson, later.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 12, and ask permission to show it to the jury.

The Court: Objection noted and overruled. What is the date of the issue?

Mr. Lewis: July 18, 1950.

(Exhibit No. 12 shown to the jury.)

[fol. 542] Mr. Nelson: What is this thing the prosecution is pointing out to the jurors? May the record show that?

The Court: Just the front page.

Mr. Lewis: I am showing them the paper itself.

Mr. Nelson: I mean, is there any particular headlines?

Mr. Lewis: I didn't point anything out to them; I merely showed them the paper.

Mr. Nelson: The newspaper?

Mr. Lewis: The newspaper.

(Commonwealth Exhibit No. 13, marked for identification.)

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 13, and ask you what that is?

A. It is a copy of the Constitution of the Communist Party of the United States of America.

Q. Did you ever see that before?

A. I did.

[fol. 543] Q. And when did you see it?

A. I saw it on July 19th,

Q. Where?

A. In the Communist Headquarters in the Bakewell Building.

Mr. Nelson: I move that it be read to the jury and copies given to each of them.

The Court: Are you offering it, Mr. Lewis?

Mr. Lewis: I offer in evidence Commonwealth Exhibit No. 13, and ask permission to show it to the jury.

The Court: It is received and you may show it to the jury. It will be sent out with them and they may read it during their deliberations. We will not take the time to read it to them now.

Mr. Lewis: I will just show it to them. The frontispiece says, "Constitution of Communist Party of the United States of America."

(Exhibit No. 13 shown to the jury.)

(Commonwealth Exhibit No. 14, marked for identification.)

[fol. 544] By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 14, and ask you if you know what that is?

A. I do.

Q. What is it?

A. I will see if they are the same all the way down to the bottom. They are copies of the Constitution of the Communist Party of the United States.

Q. And did you ever see these copies before?

A. I did. I saw them in the Communist Headquarters on July 19th, 1950, and then I saw them again on August 31st, 1950.

Mr. Nelson: May I ask the Court what the purpose is of showing these copies?

The Court: The same purpose as the other exhibits, to show the contents of the office. Am I correct, Mr. Lewis?

Mr. Lewis: Yes.

A. (Continuing:) That is a carton full of them. I am not taking them all out. They were on shelves when I saw them on July 19th.

Mr. Nelson: Your Honor, since they are not being sealed, [fol. 545] I don't know, I can't vouch what else is going to be in there when the jurors come and look it over later on. If they should do so, I take no responsibility if there is anything else in there, that may be dropped in there that isn't there now.

The Court: The only contents that were identified were the constitutions. If there is anything else in there when it is submitted to the jury, it will be removed.

(Commonwealth Exhibit No. 15, marked for identification.)

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 15, and ask you what that is, if you know?

A. It is the Communist Manifesto.

Q. And did you ever see that exhibit before?

A. I did.

Q. Where did you see it?

A. I purchased this—I saw it in the Communist Headquarters in the Bakewell Building on July 19th.

Q. You testified, I believe, that you purchased some books over there?

[fol. 546] A. I didn't say anything about purchasing them, but I did.

Q. Did you purchase any books?

A. I purchased many books and pamphlets and newspapers on that day.

Q. Who did you purchase those books from?

A. I purchased them from James H. Dolsen, who was in charge of the literature department of the Communist Headquarters.

Q. And was there a bookstore in the Communist Headquarters?

A. Yes, there was this large accumulation of Communist literature in the headquarters for sale.

Q. Now you say that this was one of the books that you purchased on July 19th?

A. That is correct.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 15.

Mr. Nelson: You mean as a whole?

Mr. Lewis: As a whole.

Mr. Nelson: Well, Your Honor, I object to having this trial turning into a trial of books.

The Court: The objection is overruled.

Mr. Nelson: I move that if there are any of those books [fol. 547] going to be handed to the jurors, that they be handed clean copies instead of marked-up as they are now. Let each juror look and find what he thinks he is entitled to find in there, or whatever there is in there.

The Court: Well, if there are any incomplete periodicals or books submitted in evidence we will attempt to supply full and true copies. Direct our attention to any damaged or partial books and we will try to rectify it so the jury has the benefit of the full periodical or publication.

Mr. Nelson: Let the record show, Your Honor, that the book is 102 years old and it has been printed all over the world.

The Court: You may testify to that later, if the book shows that itself; or, you may point it out to the jury.

Mr. Nelson: I am going to have Musmanno tell me what books to read from now on.

The Court: We will dispense with the side remarks like that, Mr. Nelson. Proceed.

[fol. 548] By Mr. Lewis:

Q. Can you tell us when this book was copyrighted?

A. This edition was copyrighted in 1948.

Q. Where?

A. By the International Publishers Company, Incorporated.

Mr. Lewis: Now we would like to have the witness read those excerpts from Commonwealth Exhibit No. 15, from this book, which have been incorporated in the indictment.

The Court: Let me see the indictment.

Mr. Nelson: I object to reading any excerpts, Your Honor. If the jury is going to pass on the book they ought to read it to them in toto, not a remark taken out here and there. I could take any book and make it appear to be just the opposite of what it is. Your Honor has seen people quoting the Bible and making it appear as though it is

some terrible document, if you just take a remark here and there. Therefore, I object to this type of reading of excerpts by this prejudicial witness, who has an ax to grind. [fol. 549] The Court: Mr. Nelson, I appreciate the thought behind your motion, but the task would be endless if we were to proceed to read completely all of the written material that is offered. And I shall certainly not permit the same to be done. To a limited extent I am compelled to permit the attention of the jury to be directed to that part of the periodical upon which the indictment is based, and very limitedly to read into the record that part which is being emphasized, without expression of opinion concerning it. Likewise with you in the matter of your defense, if there are any excerpts from any of the periodicals supporting your contentions you may have the same privilege of emphasizing those points by reading them into the record—with the understanding on both sides that it will be a limited reading from these periodicals or books. Proceed.

Mr. Nelson: You will note my objection?

The Court: We will note your objection, sir.

Mr. Nelson: And incidentally, Your Honor, this same witness read those very same excerpts to the Grand Jury without my having a chance to read to the Grand Jury my point of view—and that's why I was indicted.

The Court: That is very likely, because the indictment includes it.

Mr. Nelson: I object to this one-sided business.

The Court: This jury will be informed as to the action of the Grand Jury, Mr. Nelson, in my charge to it after the completion of the case, and the effect of the Grand Jury Action as to you.

Proceed, Mr. Lewis.

By Mr. Lewis:

Q. All right.

A. On Page 20, at the bottom of the page, I read: "In depicting the most general phases of the development of the proletariat we traced the more or less veiled civil war raging within existing society, up to the point where that war breaks out into open revolution, and where the violent

overthrow of the bourgeoisie lays the foundation for the sway of the proletariat.””

[fol. 551] On page 22——

By Mr. Nelson :

Q. What was the first page?

A. That was Page 20, the last paragraph, going over to the top of Page 21.

Mr. Nelson: May I have a copy of this so I can follow it?

The Court: Do you have any extra copies?

Mr. Lewis: We may have one or two of this, but I will try to get him a copy of this.

The Court: Well, if you have it available there——

Mr. Lewis: They have copies that were furnished to them before, copies of everything they got.

Mr. Nelson: I had no idea what you are going to do, Your Honor. I am confronted——

Mr. Lewis: We don't have any right now.

Mr. Nelson (Continuing): —now with carrying a whole truckload of literature here.

[fol. 552] It is impossible to comply with your request by counsel, due to the fact that there are no other copies available.

A. (Continuing:) On Page 22, the last paragraph: “The immediate aim of the Communists is the same as that of all other proletarian parties: Formation of the proletariat into a class overthrow of the bourgeois supremacy, conquest of political power by the proletariat.”

On Page 23, the middle of the page: “In this sense, the theory of the Communists may be summed up in the single sentence: Abolition of private property.”

On Page 24, last sentence: “The abolition of bourgeois individuality, bourgeois independence, and bourgeois freedom is undoubtedly aimed at.”

Page 25, middle of the page: “In a word, you reproach us with intending to do away with your property. Precisely so; that is just what we intend.”

Page 27: “The bourgeois family will vanish as a matter of course when its complement vanishes and both will vanish with the vanishing of capital.”

Page 29, last paragraph: "The Communist revolution is the most radical rupture with traditional property relations; no wonder that its development involves the most [fol. 553] radical rupture with traditional ideas."

Page 30, top of the page: "The proletariat will use its political supremacy to wrest, by degrees, all capital from the bourgeoisie, to centralize all instruments of production in the hands of the state, that is, of the proletariat organized as the ruling class; and to increase the total of productive forces as rapidly as possible. Of course, in the beginning, this cannot be effected except by means of despotic inroads on the rights of property, and on the conditions of the bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, but which, in the course of the movement outstrip themselves necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionizing the mode of production."

Page 44: "In short, the communists everywhere support every revolutionary movement against the existing social and political order of things. In all of these movements they bring to the front, as the leading question in each case, the property question, no matter what its degree of development at the time. Finally, they labor everywhere for the union and agreement of the democratic parties of all countries. The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing [fol. 554] social conditions. Let the ruling classes tremble at a Communist revolution."

Q. Now you mention the term "Bourgeoisie" when you were reading some of these excerpts, and the term "Proletarian"; can you tell the jury what is meant by the term "Bourgeoisie" in the Communist literature?

Mr. Nelson: Your Honor, these interpretations that are being placed on any of the meanings of these words—I object. These people have some intelligence to judge them; they are not idiots; they can read them without being led around by somebody who has an angle there to put over his point of view. And I would rather say, Your Honor, that it would be the proper thing to do to let the jurors read the

pamphlet if they wish and let them make their own decisions on the basis of that—not be colored by this man's biased interpretation. I believe that would be the fairest thing to do, and we will save an awful lot of time; we are not going to get tangled up in these quotations here.

The Court: Well, I have stated, Mr. Lewis, that I would [fol. 555] permit the reading of excerpts from these documents, but as far as expressing their meaning was concerned, I was going to limit you in that respect. It seems to me they are written documents; if there is expression or meaning, their interpretation, like all written documents, it is for the Court—unless there is some ambiguity or uncertainty in their meaning. I think on that basis it would be for the Court to explain to the jury, in its charge, the meaning of these excerpts which you have read. I realize that in some of these cases of this nature that experts who, by study, have possibly gained additional knowledge which is available to a jury of this nature; however, at this stage, unless Judge Musmanno is qualified as an expert on these matters first, I cannot permit him to comment or explain the meaning of any of the excerpts which he has read.

Mr. Lewis: I will be very willing to qualify him—which I think we can do very readily.

Mr. Nelson: Your Honor, I object to Musmanno being [fol. 556] brought in here as an expert on it.

The Court: I don't know whether he can qualify him.

Mr. Nelson: I don't think he can. It's like asking Hitler to express an opinion on what democracy is.

The Court: Unless he is qualified to do so—and I would certainly afford him the opportunity of showing that he has more knowledge than you and I or any member of the jury has—before I would permit him to comment on it.

Mr. Nelson: Your Honor, you can't have an employer in a shop qualify on the rights and duties of trade unions.

The Court: Well, I don't know.

Mr. Nelson: Consequently, you couldn't have him qualified on issues that he deliberately tries to distort.

The Court: I think we are going to recess. We are sup- [fol. 556-a] posed to recess at one o'clock; however, we are going to recess at this time anyway. But keep my remarks in mind, Mr. Lewis, when we resume tomorrow morning.

We will recess now until 9:30 tomorrow morning.

(Court adjourns at 12:55 o'clock P. M. until Thursday, December 20, 1951, at 9:30 A. M.)

[fol. 557] Thursday, December 20, 1951, Court convenes pursuant to recess of yesterday and the taking of testimony continues:

Mr. Nelson: Your Honor, I have this.

The Court: We will have to study this and pass on it a little later. You might give the District Attorney a copy, if you haven't already done so.

Mr. Nelson: I did.

The Court: All right, we will act on it later, Mr. Nelson.

Mr. Nelson: Just one more question, your Honor. I wonder how the record is coming along as far as this witness is concerned. I think I ought to have it on hand before I could even examine him.

The Court: We don't provide copies of the record here. If you want a copy of this you can order it from the reporter. We do not provide copies to the District Attorney or anyone else.

Mr. Nelson: Well, how am I going to cross-examine [fol. 558] him?

The Court: The same as I am doing, taking down notes. That is what I am doing.

Mr. Nelson: You are a judge; I am not a lawyer.

The Court: We are not providing copies to anyone, Mr. Nelson, for any purposes whatsoever.

Mr. Nelson: I am going to be put at a disadvantage on that score.

The Court: If you call it a disadvantage, I am afraid you will be.

Mr. Nelson: And it is more of a disadvantage, your Honor, because I don't know how to handle these questions.

The Court: We will note your objection on the record, sir.

Mr. Nelson: All right.

The Court: Proceed.

[fol. 559] MICHAEL A. MUSMANNO, resumed the stand and testified as follows:

Direct examination (continued).

Mr. Lewis:

Q. Yesterday you testified that the first visit you made to the headquarters was on July 18th, and then you made another visit on July 19th. Did you make any other visits after that?

A. Yes, I went back on August 31st.

Q. And why did you go there at that time?

A. On that day there was an execution of the search warrant.

Q. And how long did you remain there at that time?

A. I was over there, on that occasion, about three hours.

The Court: What date was that again?

Mr. Lewis: August 31st.

The Witness: 1950.

Mr. Lewis:

Q. What happened when you were there on August 31st?

A. I arrived there and found Joe Becker and George Marshall of the City detectives; then Assistant District Attorney Sidney Sanes—the Assistant District Attorney arrived—he may have even gotten there before I did, but certainly about the same time. Bernard Salis, a young man, was in charge of the headquarters and was sitting at the [fol. 560] telephone, and he called long distance, New York long distance, and then got the number “Algonquin 4-2215” which is the number of the National headquarters of the Communist Party of the United States in New York. He was describing to the person at the other end of the wire——

The Court: Now just a moment, we will not have any hearsay of what was said over the telephone, Judge Musmanno. I will have to limit you on that.

The Witness: Well, if your Honor please——

The Court: In the presence of the defendant, I don't think that is hearsay, but in the absence of the defendant,

conversations between other persons is hearsay, and I will have to protect the defendant's rights in the matter to object to hearsay evidence.

Mr. Lewis: Well, I think he can tell what number was called.

The Court: Yes, I have permitted him to say he called the National headquarters and give the number, but the substance of the conversation, I will have to protect the defendant's rights in that respect.

[fol. 561] Mr. Lewis:

Q. Well, you testified that he called the National headquarters of the Communist Party while you were there?

A. Yes.

The Court: At least I will direct the defendant's attention to the matter that it is hearsay. If he wishes to permit it, I have no reason to eliminate it other than it is hearsay.

Mr. Nelson: Your Honor, I am familiar with these things——

The Court: That is the reason I am directing your attention to the fact that the conversation is hearsay.

Mr. Nelson: And if a question is on discussing the matter that I am familiar with, I will be glad to discuss them with anybody; but I am not familiar with these legal matters and whatever this witness is doing.

The Court: This is conversation.

Mr. Nelson: He ought to know, he is a judge.

[fol. 562] The Court: This is a conversation between Mr. Salis and the person at the other end of the call, Algonquin, a certain number, supposedly the National headquarters of the Communist Party.

Mr. Nelson: As far as that is concerned, your Honor, I don't know what that has got to do with this case.

The Court: Well, do you want it stated what that conversation was, or do you want to object to it?

Mr. Nelson: I don't think it has any relationship to the case.

The Court: All right, then you object to it. I will sustain your objection that it is hearsay.

The Witness: I might say that, just so no one may think I am trying to take any unfair advantage, it was established at the other trial that Mr. Salis is a member of the Communist Party and in charge of the headquarters. It was on that basis that I was testifying.

[fol. 563] Mr. Nelson: What has Salis got to do with me?

Mr. Lewis: We will follow that up.

The Court: We will sustain the objection at this time.

Mr. Lewis:

Q. How long did you remain there on that visit?

A. About three hours.

Q. And did you see any other literature other than the literature you saw on July 19th?

A. Yes, I was there, I have just indicated, a much longer period than I was there on July 19th, and had ample opportunity to examine the entire headquarters—not only the books, but also the documents. We went into the files, that is, Mr. Sanes and I, the Assistant District Attorney, and we made more or less a mental inventory of what was there. In the receptionist's office there was a bookcase which contained books which had nothing to do with Communism. These books were of just general literature, novels and so on. But we did find many documents which were picked up by the Assistant District Attorney.

Q. Were any of those documents and books taken out on August 31st?

A. Yes, we gathered together quite a number of the books and documents. They were bound together with a [fol. 564] cord and brought over here to the District Attorney's office.

Q. Now during the time that you were in there—well, strike that out. What time did you get there on August 31st?

A. About noon.

Q. And how long did you say you remained there?

A. About three hours.

Q. During the time that you were in there did anybody else come in?

A. Yes. Newspaper men came, newspaper photographers; and then while I was there the mailman arrived (U. S.

postman) and he had some letters to deliver. He handed two of these communications to me. One was a package and another was a letter. The letter carried the Moscow postmark——

Mr. Nelson: Your Honor, may I ask what right this man had to take anybody else's mail? And furthermore, what has this got to do with this case?

The Court: Well, it has——

Mr. Nelson: He had the nerve to take mail for another man—what is the difference where it comes from?

The Court: Are you objecting to it?

Mr. Nelson: Did he say it was for you?

[fol. 565] The Court: Gentlemen, I have to censor both of you again this morning for arguing between yourselves and not addressing your remarks to the Court.

Mr. Nelson: I am sorry, your Honor, but it was stated here a few minutes ago that he took the mail from the mailman. What right did he have to do it?

The Court: He said the mailman handed him a package and a letter. Now we will overrule your objection. The exception is noted.

A. (Continuing:) The mailman handed these articles to me without my having said anything. I glanced at them and I saw that the letter, a long, wide envelope, came from Moscow. It carried the Moscow postmark and was addressed to "Steve Nelson, Chairman, Communist Party, Western Pennsylvania District, 426 Bakewell Building, 417 Grant Street, Pittsburgh, Pennsylvania, U. S. A." On the left-hand side there were symbols in the Russian language. The package was addressed to "James Dolsen, Literature Department, Communist Party, Western Pennsylvania, 426 Bakewell Building, Pittsburgh, Pennsylvania." It also had Russian symbols on the left-hand side of the package, and bore, as I said, the Moscow postmark. I handed these articles of mail back to the postman and said, of [fol. 566] course, I couldn't receive these and for him to keep them in his custody or dispose of them as he would in his routine when an addressee was not available——

Mr. Nelson: Just a minute, your Honor, let the record show that these letters that he is speaking about came

through the United States mail and they could have been opened by the Post Office. And I don't know what mystery Mr. Musmanno wants to attach to the letter that come through the mail.

The Court: I do not know. He is testifying to the attempt of the postman to deliver this type of mail to that address; the purpose of it we will have to determine later. At least it is admissible in evidence as a foundation here—and for that purpose it is being received. As far as it being noted that it was in the process of delivery by the United States mail, I think the witness has testified to that, that it was handed to him by the postman—I assume it was the regular postman operating under the United States Postal System.

Mr. Nelson: I mean, it wasn't a special courier that [fol. 567] brought it to me from Moscow.

The Court: No. It was a United States postman, as he testified.

All right, proceed.

(Commonwealth's Exhibit No. 16 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit——

The Court: Pardon me just a moment. I should make a further statement in connection with the remark of Judge Musmanno. Any time that I undertake to direct the attention of the defendant to a possible reason for elimination of any testimony, statements made by this witness or any other witness, it is no basis for inferring that they are taking advantage of the defendant, or anything else. I realize that in the discussion of these matters that sometimes we are prone to carry on and continue to make statements which we think are proper but, after all, I am ruling on the matter here. And as I say, I may at times indicate to the defendant the possible objection, but that gives rise [fol. 568] to no unfavorable inferences in any way at all—it is just a matter of a difference of opinion, or maybe just an oversight on the part of the witness.

The Witness: Well, I did want to say that it was introduced in the first trial.

Mr. Nelson: I object to your remark right now.

The Court: All right, your objection is noted on the record.

Mr. Nelson: It appears to me as though that is an effort to play on the relationship between you and the witness and thereby influence the jury by that remark you made just now.

The Court: All right, your objection is noted.

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 16, and ask you what that is?

A. That is a book called "Foundations of Leninism", written by Joseph Stalin.

[fol. 569] Q. And did you ever see that book before?

A. Yes, I did.

Q. Where did you see it?

A. I saw this in the headquarters of the Communist Party in Pittsburgh on July 19th, and purchased it from James Dolsen, who was in charge of the Literature Department there.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 16, and would like the witness to read certain excerpts to the jury.

The Court: Well, do you want to offer the usual objection to this, Mr. Nelson, or do you not?

Mr. Nelson: Your Honor, I believe if any books are going to be passed on by this jury they ought to be given clean copies, unmarked by prejudicial and political speeches by this witness.

The Court: We will endeavor to replace any of them that you wish replaced.

Mr. Nelson: I object to this man's reading excerpts out of that context, your Honor. He can distort those things [fol. 570] and make them look upside down. That is what he is doing all the time.

The Court: We will note your objection to the offer of the books, and we will note your objection to his reading of any excerpts therefrom—and we will overrule your objection.

The Witness: If the Court please, I am going to ask—

The Court: Exhibit No. 16 will be received in evidence, and the witness privileged to read those excerpts from it which form the basis of the indictment.

The Witness: I am going to ask for the protection of the Court from the insults of this defendant. He started yesterday addressing remarks about my testimony—he just said now that I was making political speeches.

Mr. Nelson: That is what you have been doing.

The Witness: I am merely answering the questions put to me by the District Attorney. And I appeal to the Court for the protection from these derogatory remarks which [fol. 571] have no justification whatever.

The Court: I will protect you insofar as it is possible to do so, and will ask the defendant to refrain from making remarks of a personal nature. As far as his remarks concerning any of the offers of evidence, or to any questions put to the witness, I will respect his objections if put in proper language.

Mr. Nelson: Your Honor, I am not a lawyer, and I defend my honor here and all of what I have done for 30 years.

The Court: I appreciate that.

Mr. Nelson: I have done no harm, committed no crime, and I am not going to take this even from this guy, even if he is a Supreme Court judge. I won't take anything from him, your Honor, without a challenge.

The Court: Mr. Nelson, I am trying to be very patient. You are addressing arguments to me which are proper to be addressed to the jury when your turn comes to open your case and to argue your case. I will again ask your [fol. 572] fullest cooperation here, and try to refrain from any personal references to the witnesses or anything else of that nature.

Mr. Nelson: This man has done much personal harm to me and my family and my friends; how do you expect me to sit here quietly when he gets away with that kind of stuff here.

The Court: I will admonish the District Attorney and any witnesses he calls to respect the procedure and decorum of the Court room, and to cooperate, too, in order that this trial may proceed fairly, expeditiously. Now if my request,

made in the vein that I am making it, sincerely in order to accomplish justice to both sides, if this is not respected, then I, as I said yesterday, will have to do something about it.

Mr. Lewis:

Q. All right, Judge.

A. Reading from page 22, at the bottom of the page——

[fol. 573] Mr. Nelson: I haven't got a copy, your Honor. I can't follow what he is reading.

The Court: *E*-ither have I.

Mr. Nelson: Those things are completely out of this context, I can't even object intelligently.

Mr. Lewis: Mr. Nelson has the entire set.

The Court: Do you have an extra copy?

Mr. Lewis: I do not have an extra copy of this book. I will say to the Court that Mr. Nelson has an entire set of these books.

Mr. Nelson: You got them over in the warehouse and a bunch of warehouse men that the County is paying for to have them truck the books in every morning.

The Court: We do not have a copy to provide you; he does not have a copy to provide me. I will ask the witness to read the excerpts slowly from the book, and you may have the use of the book when it comes time for you to cross-examine. I will ask him to tell the page that it is on, [fol. 574] and I will ask him to read it slowly so that you may be informed as well as you can be, and as well as I can be, of what he is reading.

Mr. Nelson: In other words, now this book is on trial, your Honor?

The Court: This book has been offered in evidence and I am permitting him to read excerpts from it which support the allegations of the indictment, and nothing else.

A. (Continuing:) On page 22, at the bottom of the page, I read: "First dogma: concerning the conditions for the seizure of power by the proletariat. The opportunists assert that the proletariat cannot and ought not to take power unless it constitutes a majority in the country. No proofs are adduced, for there are no proofs, either theo-

retical or practical, that can justify this absurd thesis. Let us assume that this is so, Lenin replies to these gentlemen of the Second International; but suppose a historical situation has arisen (a war, an agrarian crisis, etc.) in which the proletariat, constituting a minority of the population, has an opportunity to rally around itself the vast majority of the labouring masses; why should it not take power then?"

On page 24, I read from the middle of the page: "Does not the history of the revolutionary movement show that [fol. 575] the parliamentary struggle is only a school for and an aid in organizing the extra-parliamentary struggle of the proletariat, that under capitalism the fundamental problems of the working-class movement are solved by force, by the direct struggle of the proletarian masses, their general strike, their insurrection?"

Page 28, at the bottom of the page: "But theory can become a tremendous force in the working-class movement if it is built up in indissoluble connection with revolutionary practice."

Page 35, at the bottom of the page: "Now we must speak of the world proletarian revolution; for the separate national fronts of capital have become links in a single chain called the world front of imperialism, which must be opposed by a common front of the revolutionary movement in all countries."

Page 36, at the top of the page: "Where will the revolution begin? Where, in what country, can the front of capital be pierced first? Where industry is more developed where the proletariat constitutes the majority, where there is more culture, where there is more democracy—that was the reply usually given formerly. No, objects the Leninist theory of revolution; not necessarily where industry is more developed, and so forth. The front of capital will be pierced where the chain of imperialism is weakest, for the proletarian revolution is the result of the breaking of the chain of the world imperialist front at its weakest link."

[fol. 576] Page 37, at the top of the page: "Where will the chain break in the near future? Again, where it is weakest. It is not precluded that the chain may break, say, in India."

Page 45: “For this the victory of the revolution in at least several countries is needed. Therefore, the development and support of revolution in other countries is an essential task of the victorious revolution. Therefore, the revolution in the victorious countries must regard itself not as a self-sufficient entity but as an aid, as a means of hastening the victory of the proletariat in other countries. Lenin expressed this thought in a nutshell when he said that the task of the victorious revolution is to do ‘the utmost possible in one country for the development, support and awakening of the revolution in all countries.’ ”

Page 48: “The fundamental question of revolution is the question of power. (Lenin) Does this mean that all that is required is to assume power, to seize it? No, it does not mean that. The seizure of power is only the beginning. For many reasons the bourgeoisie that is overthrown in one country remains for a long time stronger than the proletariat which has overthrown it. Therefore, the whole point is to retain power, to consolidate it, to make it invincible. What is needed to attain this? To attain this it is necessary to carry out at least the three main tasks that [fol. 577] confront the dictatorship of the proletariat ‘on the morrow’ of victory:

“(a) to break the resistance of the landlords and capitalists who have been overthrown and expropriated by the revolution, to liquidate every attempt on their part to restore the power of capital;

“(b) to organize construction in such a way as to rally all the labouring people around the proletariat, and to carry on this work along the lines of preparing for the liquidation, the abolition of classes;

“(c) to arm the revolution, to organize the army of the revolution for the struggle against foreign enemies, for the struggle against imperialism.

“The dictatorship of the proletariat is needed to carry out, to fulfil these tasks.”

Page 60: “The Soviet organization of the state alone is capable of immediately and effectively smashing and finally destroying the old, that is, the bourgeois, bureaucratic and judicial apparatus.”

Mr. Nelson: I renew my objection, your Honor, that these

things were read out of context, and no one can intelligently form an opinion as to whether that referred to this Country or any other country, this or that place.

[fol. 578] The Court: Well, you have——

Mr. Nelson: Therefore, I say, your Honor, that that is objectionable reading.

The Court: You are moving to strike the excerpts from the record, is that what you are doing?

Mr. Nelson: That is right.

The Court: Your motion is refused. We have already ruled on the right to read the excerpts as to the indictment made, insofar as the indictment is concerned. Insofar as other matters are concerned, you will have your privilege of cross-examination at the termination of the Commonwealth's testimony by this witness. Proceed.

(Commonwealth's Exhibit No. 17 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 17, and ask you if you ever saw that before?

A. I have.

Q. And where did you see it?

A. In the Communist headquarters.

[fol. 579] Q. And when did you see it?

A. I saw it on July 19th, when I purchased it from Dolson, who was in charge of the Literature Department of the Communist headquarters.

Q. What is the title of that book?

A. "The Dictatorship of the Proletariat."

Q. Who published it?

A. Published by the International Publishers, New York.

Q. Do you know who the "International Publishers" are?

A. Yes.

Q. How do you know that?

A. Because I have been there; I have spoken to individuals who sold the books.

Q. And who is the International Publishers?

A. It is a Communist organization that publishes Communist books.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 17, and will ask the witness to read excerpts from this book.

The Court: The usual objection of the defendant is entered, and overruled.

Mr. Nelson: Pardon?

The Court: I say I will note your objection to this in the [fol. 580] similar fashion as the others, and overruled your objection—if that is your wish.

Mr. Nelson: Well, I will ask you if you are going to take this man's opinion—

The Court: No.

Mr. Nelson: That this is a Communist publication—Communist publishing house.

The Court: I meant the offer of the book.

Mr. Nelson: I see. He made a comment that it is a Communist publication, organization—that is his opinion, he offered no proof.

The Court: Well, I will entertain your motion to strike that remark from the record.

Mr. Nelson: What is the use to strike it, your Honor, if he goes ahead and spills his guts out over here, and then go ahead and strike it? What good will that do here?

The Court: You have been asking many times to strike remarks from the record.

Mr. Nelson: When I know how to do it— as far as I [fol. 581] can see, when the remarks are already in, when he says them, what good is taking them out? I am not an idiot. I don't believe in that kind of stuff.

The Court: I will tell the jury to disregard the remark concerning what kind of an organization it is, other than a publisher of Communist books.

Mr. Lewis: Well, that is what we directed our questions to.

The Court: Whether it was a Communist organization.

Mr. Lewis: That published Communist books.

The Court: Possibly the witness is not qualified to say that, as a matter of fact, but if it does publish books on Communist philosophy and theory, that is within his range of knowledge. So that we will instruct the jury as to the statement concerning that it is a Communist organization, to ignore that.

Mr. Lewis:

Q. All right, proceed.

[fol. 582] A. On page 68, at the top of the page: "The dictatorship of the proletariat cannot come about as a result of the peaceful developments of bourgeois society and of bourgeois democracy; it can come only as the result of the destruction of the bourgeois state machine, of the bourgeois army, of the bourgeois civil administration and of the bourgeois police."

Page 69: "The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and the substitution for it of a new one."

(Commonwealth's Exhibit No. 18 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 18, and ask you what that is, if you know?

A. It is a pamphlet entitled, "Stalin is Leading Us to Victory for Communism."

Q. Now will you tell us where that pamphlet was published?

A. It was published in Moscow by the Foreign Language Publishing House, published in Moscow in 1950.

Q. Did you ever see that pamphlet before?

A. Yes, I did. I obtained this in the Communist headquarters in Pittsburgh, in the Bakewell Building, on July 19, 1950, from Dolsen, who is in charge of the Literature Department of the Communist headquarters.

[fol. 583] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 18, and ask the witness to read excerpts from the exhibit.

The Court: The objection is overruled.

A. There is only one excerpt to be read from this book, and it is the last sentence of the book, page 24: "Under the leadership of the great Stalin, forward to the victory of Communism!"

(Commonwealth's Exhibit No. 19 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 19, and ask you what that is, if you know?

A. This is a book called, "The Twilight of World Capitalism", and it is written by William Z. Foster, who is the National chairman of the Communist Party of the United States.

Q. And did you ever see that book before?

A. Yes, I obtained this in the Communist headquarters on July 19, 1950.

Q. And who had the book at that time?

A. I purchased it from James Dolsen, who is in charge of the literature in the Communist headquarters.

Mr. Lewis: We offer in evidence Commonwealth's Ex-[fol. 584] hibit No. 19, and ask the witness to read excerpts from the exhibit.

The Court: The objection of the defendant is noted, and overruled.

A. On page 31, at the bottom of the page: "American capitalism is like a sort of monster parasite, living on the body of the rest of the world capitalism; it is cannibalistically devouring the other capitalist countries and growing fat upon their life substance."

On page 37: "American imperialism is like a monstrous, all-consuming spider. It has sucked up most of the available gold supplies of the capitalist world and hoarded them away at Fort Knox. It has made nearly every capitalist nation in the world its debtor; it is stripping the various capitalist nations of their foreign markets, of their economic strength, and of their national independence. It has set up a more or less definite political control over all the important capitalist countries in the world. Now it is stretching out its claws for the U. S. S. R., the European new democracies, and the colonial and semi-colonial countries, in the hope that it can overwhelm them and devour them at its leisure. This is the parasitic, cannibalistic role of American capitalism in the world today."

Mr. Nelson: Your Honor, I believe the prosecution has a large number of copies of those pamphlets that are un-[fol. 585] marked, and I renew my motion that these pam-

phlets, these particular pamphlets, be given to the jurors. Let them read it, not in a distorted manner out of context—because when Foster speaks about “capitalism” he speaks about the big corporations, and he doesn’t speak about the people of the United States.

The Court: Well, we will see if there are available copies, unmarked copies to be given to the jury to supplant the one that was used by the witness in reading the excerpts.

Mr. Nelson: Everybody knows that the American bankers control the world, but not the American workers. So let the jurors read the whole thing.

The Court: The jury will have the whole thing available to them, and you, Mr. Nelson, may have the right to point out in any of these books anything that you wish in support of your contention in the matter, and read excerpts which will be in order for that purpose.

[fol. 586] (Commonwealth’s Exhibit No. 20 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth’s Exhibit No. 20, and ask you if you know what that is?

A. That is a book called, “State and Revolution.” It is written by V. I. Lenin.

Q. And who published that book?

A. It was published by the International Publishers in New York.

Q. Did you ever see that book before?

A. Yes, I obtained this on July 19th in the Communist headquarters.

Q. And who had the book then?

A. James H. Dolsen. I bought it from him.

Mr. Lewis: The Commonwealth offers in evidence Exhibit No. 20. We would ask the witness to read excerpts from this exhibit.

The Court: Objection noted for the defendant, and overruled.

A. On page 17, on the bottom of the page: “The bourgeois state can only be put an end to by revolution.”

On page 20—

The Court: What was the first reference?
[fol. 587] The Witness: Page 17.

A. (Continuing:) On page 20: "The replacement of the bourgeois by the proletarian state is impossible without a violent revolution."

Page 23: "The overthrow of the bourgeois rule can be accomplished only by the proletariat and the particular class which, by the economic conditions of its existence, is being prepared for this work and is provided both with the opportunities and power to perform it."

(Commonwealth's Exhibit No. 21, marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 21, and ask you what that is, do you know?

A. That is a book called, "History of the Communist Party of the Soviet Union", edited by a commission of the Central Committee of the Communist Party of the Soviet Union, authorized by the Central Committee of the Communist Party of the Soviet Union.

Q. Did you ever see that book before?

A. Yes, I obtained this also in the Communist headquarters in Pittsburgh, in the Bakewell Building, on July 19, 1950, from James Dolsen.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 21, and ask the witness to read some excerpts [fol. 588] therefrom.

The Court: Objection of the defendant noted, and overruled.

A. On page 9, a little below the middle portion of the page: "Marx and Engels taught that it was impossible to get rid of the power of capital and to convert capitalist property into public property by peaceful means, and that the working-class could achieve this only by revolutionary violence against the bourgeois, by a proletarian revolution, by establishing its own political rule—the dictatorship of the proletariat—which must crush the resistance of the exploiters and create a new, classless, Communist society."

Page 111: "Hence the transition from capitalism to

socialism and the liberation of the working-class from the yoke of capitalism cannot be effected by slow changes, by reforms, but only by a qualitative change of the capitalist system, by revolution.”

(Commonwealth’s Exhibit No. 22, marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth’s Exhibit No. 22, and ask you what that is, if you know?

A. This is a document entitled. “Instructor’s Outline for Orientation Course.”

[fol. 589] Q. Do you know who publishes that document?

A. It was prepared by the National Education Commission of the Communist Party of the United States, which had its headquarters at 35 East 12th Street, New York City.

Q. Did you ever see that exhibit before?

A. Yes, I did.

Q. Where did you see it?

A. I found this in Steve Nelson’s desk in the headquarters of the Communist Party.

Mr. Lewis: We offer in evidence Commonwealth’s Exhibit No. 22, and ask the witness to read excerpts from this publication.

A. On page 1: “Foreword to the teacher:

“1. In undertaking these new membership classes, your object should be (1) to develop certain basic knowledge about the Party, its theory and organization, its policy and program; (2) to instill a respect, devotion and loyalty to the Party; (3) to lay the foundations and stimulate the desire for further continuous study of the Party theory and for the regular reading of the Party press; (4) to help integrate the new members as rapidly as possible into his or her party club and into the life of the Party.”

[fol. 590] On page 7: “Communists are not pacifists. They distinguish between two kinds of wars: 1. Just wars; wars that are not wars of conquest but wars of liberation waged to defend the people from foreign attack and from attempts to enslave them, or to liberate the peoples of

capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and, 2. Unjust wars; wars of conquest, waged to conquer and enslave foreign countries and foreign nations. Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government"—taken from the History of the Communist Party of the Soviet Union, Bolsheviks, page- 167, 168.

Mr. Nelson: Your Honor, I haven't got a copy of the indictment. I don't know whether he is reading even that limited thing—I suspect he is reading beyond that.

The Court: Well, I have been checking that, Mr. Nelson, and I find that the History of the Communist Party of the Soviet Union is specifically mentioned in the indictment.

Mr. Nelson: But there is no way to know what he is reading. He is reading the document. What is this getting [fol. 591] to be, a game here?

The Court: I beg your pardon?

Mr. Nelson: What is he trying to play, a game here?

The Court: I do not think so. If you object to any part of what he is doing, why, this is more serious than a game—

Mr. Nelson: That is right.

The Court: You object if you think that the rules are not being complied with.

Mr. Nelson: What is the use of objecting now, he read the stuff, your Honor—I don't know, I haven't got the indictment. You said that he has got to refer to the things in the indictment.

The Court: That is what I say.

Mr. Nelson: I haven't got a copy and I don't know what he is reading. I have my suspicions that he is reading other things than that—and your doubts confirm that. [fol. 592] Mr. Lewis: The Commonwealth's Exhibit No. 22 is in evidence, which was found on the defendant's desk—offered in evidence.

The Court: Well the point we are making is this, that

you are limited, on reading excerpts from the documents mentioned in the indictment. Now I said that I find reference made to the History of the Communist Party of the Soviet Union included in this indictment.

Mr. Lewis: Well, I mean, are we going to be limited to reading the things that are in the indictment all through this case?

The Court: Yes, sir, you are going to be limited to the indictment, as far as your offers are concerned. You may offer in evidence anything else of a nature to indicate a motive or intent in support of these matters which are included in the indictment, but I am not going to permit the reading into the record of excerpts from all these other books, other than is set forth in the indictment.

Mr. Lewis: We do not intend to do that, but unless we [fol. 593] can read other things into the record—I mean, things that we found, it is absolutely no way that we can present a case to the jury to make any sense out of it.

The Court: You can offer those books—

Mr. Nelson: There is no sense to this case anyway, Mr. Lewis, and you know it.

Mr. Lewis: I make a motion that that be stricken.

The Court: Motion granted.

Mr. Lewis: And Mr. Nelson warned not to make statements like that.

The Court: You have, I suppose, a substantial number of other publications to which reference is not made in the indictment?

Mr. Lewis: That is true. That is supporting evidence, and we offer it the same as they offered it in the Widovich case, and in the Blankenstein case—which are Pennsylvania cases. We do not intend to, certainly, read all of these books or anything like that; we are going to get [fol. 594] through with this as soon as possible. But there are certain things that we have to read to the jury to make sense out of our case. Otherwise it doesn't mean anything.

The Court: Well, the indictment—

Mr. Nelson: You can't make any sense out of it, as far as that goes, Mr. Lewis.

The Court: The indictment is based on the books which

you refer to here, and the excerpts which you have, of course, emphasized by reading them into the record.

Mr. Lewis: We are not confined to that under all of the decisions—the New York case, our own cases in Pennsylvania. Other things that were found in the headquarters were read into evidence, offered into evidence. The same thing happened in the *Widowich* case here in Pennsylvania, they offered books in evidence and the excerpts were read to the jury, not only the ones that were set forth in the indictment but any other books that were found on the premises. And we certainly don't intend to [fol. 595] read excerpts from all these books, but certainly there are basic things that we have to read from them to make sense out of this case as far as the jury is concerned.

The Court: Well, there is only one purpose for reading the excerpts, and that is support your matter of intention here, what the intention was of this defendant here, that was involved in the dissemination of this material—if he was.

Mr. Lewis: That is why the offer is being made, and for no other reason.

The Court: Well, can we limit it to any particular books?

Mr. Lewis: We can, and we intend to do it.

The Court: You need not read excerpts from a great number of the books. Can't you do it by reference to them, if I permit you to point out the excerpts from a reasonable number of them, in support of the matter of intention, and offer them without reading the excerpts?

[fol. 596] Mr. Lewis: That is what we intend to do. I think we can finish with our case today, with the material that we have here—at least we are going to try to. And I think we shouldn't be confined to this, but we are going to confine ourselves to it.

The Court: Well, I will limit you to this extent, that I will inform the jury that conviction may be based on only these books which are included in the indictment, but these other books are being offered in evidence, and their attention is directed to parts of them for the purpose of showing intention and motive only.

Mr. Lewis: Right.

The Court: All right, I would ask your cooperation, then,

in offering these additional books, not mentioned in the indictment, to be as brief in your directing the attention of the jury to the excerpts as possible.

Mr. Lewis:

Q. Now, Judge, the last excerpt you read from Commonwealth's Exhibit No. 22, you referred to an imperialistic government. Now what is an imperialistic government referred to in any other literature or publication that you found in the Communist headquarters?

A. Yes, it was referred to on numerous occasions, practically all the time.

Q. I am going to show you—strike that.

The Court: You mean it is referred to in the literature that was found in the headquarters that you referred to in the Bakewell Building?

The Witness: That is true, in scores and scores and scores of books and documents that I read, which were found in the Communist headquarters, the United States Government was referred to as an imperialistic government.

(Commonwealth's Exhibit No. 23 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 23, and ask you if you ever saw that before?

A. I did.

Q. Where did you see it?

A. I found this in Steve Nelson's desk on August 31st, 1950.

[fol. 598] Q. And what is that?

A. It is a telegram to Steve Nelson, room 426, 417 Grant Street, from William Z. Foster, National chairman; Gus Hall, National secretary; Henry Winston, organizational secretary; John Williamson, labor secretary for the National Committee, Communist Party, United States of America.

Mr. Nelson: Did you offer this to the jury?

Mr. Lewis: I have not offered it yet. We offer in evidence

Commonwealth's Exhibit No. 23, and ask permission to read it to the jury.

The Court: Do you object, Mr. Nelson?

Mr. Nelson: No objection.

The Court: No objection.

Mr. Lewis: "New York, 1950, June 30. Steve Nelson, room 426, 417 Grant Street. Yesterday President Truman refused to say that American land troops or atomic weapons would not be used in the attempt to conquer the heroic people of North and South Korea.

"Today, he announces that land troops are being thrown [fol. 599] into action, and that bombing of Korean civilians is no longer confined below the 38th Parallel.

"What assurance have we that tomorrow the President of the United States will not tell us that he has ordered the atomic destruction of Seoul, and that all Korea has been reduced to the ashes of another Hiroshima?

"Wall Street's government is carrying us, step by step, toward total disaster. Now the steps are those of seven-league boots. The Korean people have demonstrated their determination to win a united democratic country, and refused to murder each other at the command of General MacArthur. This in itself is a compelling reason for calling a halt to all United States imperialistic intervention in Korea. Certainly it is no excuse for committing American land forces to a criminal and reckless adventure that can only endanger the National security of our country, bring National dishonor upon us all, and wreck world peace.

[fol. 600] "Every American who values his own and all human life should vigorously protest today's action to President Truman and Congress and demand an end to the undeclared war against the colored peoples of Asia and the Pacific.

"All peace-minded Americans, and in the first place labor and the Negro people, should make the July 4th weekend an all out people's mobilization for hundreds of thousands of signatures to the Stockholm World Peace Pledge.

"Hands off Korea! Not a man, not a gun, not a plane for mass murder! Outlaw the A and H bombs by international agreement. William Z. Foster, National chairman; Gus Hall, National secretary; Henry Winston, organizational secre-

tary; John Williamson, labor secretary for the National Committee, Communist Party, U. S. A.”

Mr. Nelson: Now, Your Honor, let the record show that that telegram called upon me to urge the American workers in this area to write to their Congressmen to protest this criminal war. And had that been done, Your Honor, there [fol. 601] wouldn't have been hundreds of thousands of American casualties by now. Now the whole country is opposed to the war.

The Court: Just a moment now, the telegram speaks for itself.

Mr. Nelson: But when I was opposed to it, Your Honor, then I was arrested by this man.

The Court: The telegram speaks for itself, and you may argue on it as long as you want, within certain bounds, of course, to the jury.

Mr. Nelson: I want the jury to see what is going on here.

The Court: You cannot argue each point as we go along, Mr. Nelson.

Mr. Nelson: I don't know how, not being a lawyer, to defend my rights.

The Court: We are here to guide you and will help you as much as I can since you are without counsel.

(Commonwealth's Exhibit No. 24 marked for identification.)

[fol. 602] Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 24, and ask you if you know what that is?

A. This is a reproduction of a speech made by Eugene Dennis, the general secretary of the Communist Party of the United States.

Q. And did you ever see that exhibit before?

A. Yes, I got this in the Communist headquarters in the Bakewell Building on August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 24, and would like to have permission to read an excerpt from it.

The Court: Any objection, Mr. Nelson?

Mr. Nelson: I think the thing ought to speak for itself. That whole document should be given to the jury.

The Court: It will be.

Mr. Nelson: This way of taking one little sentence out and then throwing it in the box, they will never have a chance to see it, is a way to line them up in such a way as not to be able to form an honest and unbiased judgment.

[fol. 603] The Court: I will concede that it is a possibility, taking a sentence or excerpts from a publication and getting the wrong opinion from it. However, to permit the document here to be read fully into evidence, Mr. Nelson, is an impossibility. I will permit the District Attorney to direct the attention of the jury to that part of it which he thinks supports his contentions here, and I will permit you to do likewise.

Mr. Nelson: Is this in the indictment, this what he is going to quote?

The Court: No. This is, as I told the jury, not in the indictment. It is only offered to support their theory that anything that you may have done was done with a motive or intention that may be considered seditious.

Mr. Lewis: That is all the offer is being made for.

The Court: This is not based on the indictment, but is supporting evidence. Read it limitedly, but without perverting [fol. 604] it in any fashion, of course.

Mr. Nelson: How can that be done, Your Honor?

The Court: Well, possibly it is an impossibility to accomplish fully that, but we will do the best we can, and we will ask you to do likewise.

Mr. Lewis: "Let me restate what Comrade Foster and I said about a year ago, that: 'If, despite the efforts of the peace forces of America and the world, Wall Street should succeed in plunging the world into war, we would oppose it as an unjust, aggressive, imperialist war, as an undemocratic and anti-socialist war, destructive of the deepest interests of the American people and all humanity.' "

"Finally, I would like to urge that all of us strive to effect a decided improvement in our style of work. We must learn, as Stalin thought, to combine Boshevik zeal with American efficiency. But always and everywhere we must [fol. 605] be audacious; we must be bold. We must show

greater imagination and achieve individual initiative in our work on all levels, at the top as well as below. We are entering a period of acute and sharpening struggles. Let us march forward courageously, determined, and with supreme confidence in our Party, in our class, in our cause."

Mr. Lewis:

Q. Now can you tell us whether or not "imperialistic war" was referred to in Commonwealth's Exhibit No. 21 at any place?

A. Yes.

Q. Will you point that out to us, please?

A. On page- 167 and 168, the quotation which I read from that document entitled "Orientation Course" appears here in this book, "History of the Communist Party of the Soviet Union, Bolshevik." You find here at the bottom of page 167, and going over to page 168.

Q. Will you read it again so we can get the connection between this book and the other document that you read?

A. "It was not to every kind of war that the Bolsheviks were opposed. They were only opposed to wars of conquest, imperialist wars. The Bolsheviks held that there are two kinds of war: (a) Just wars, wars that are not wars of conquest but wars of liberation, waged to defend the people from foreign attack and from attempts to enslave them, or [fol. 606] to liberate the people from capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and (b) unjust wars, wars of conquest, waged to conquer and enslave foreign countries and foreign nations.

"Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government."

(Commonwealth's Exhibit No. 25 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 25, and ask you if you ever saw that before?

A. I have.

Q. And where did you see it?

A. I found it in Steve Nelson's desk in the Communist headquarters.

Q. When?

A. On August 31st, 1950.

Q. And what is that document?

A. That is a report by Gus Hall, National secretary, the Communist Party, to the National Committee conference.

Mr. Nelson: What do you propose to do with this?

[fol. 607] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 25, and ask the witness to read certain excerpts to the jury from it.

Mr. Nelson: I object to the reading of excerpts, Your Honor. If it is going to be read, it ought to be read in toto.

The Court: Just a moment. To what extent are you going to read excerpts?

Mr. Lewis: I don't suppose it will take us over three minutes.

Mr. Nelson: I know that speech dealt with a lot of questions: the need for a fight for lower prices, and for more housing, and to take care of the old age people, and so forth. And then it deals with the war question, on which he says that he is opposed to it.

The Court: You may direct the attention of the witness, on cross-examination, to all those points, Mr. Nelson—like-wise with this.

[fol. 608] Mr. Nelson: Once he gets through with these prejudicial things, your Honor, there is no chance of correcting that damage.

The Court: You will get the last opportunity there to cross-examine him on it, you know.

A. On page 1: "What we must fully understand is that military aggression is now key peg in United States foreign policy, and that this policy will be pursued not only in Korea and Asia but throughout the world. Wherever peoples fight for freedom, wherever national libera-

tion struggles take place, and wherever the working-class moves forward to achieve socialism, United States armed forces will be used against the people. This is going to be true for every part of the world.”

Same page: “The United States has completed the destruction of the United Nations as an instrument for peace and has turned it into a smoke screen for its own aggressive purposes; fifth, the United States has scrapped and destroyed all the remaining treaties signed as a result of the second World War.”

On page 2: “We must make the point that if it had not been Korea, the war provocation would have exploded at another point. The policy of United States imperialism has been for a long time a policy of provoking conflicts [fol. 609] in one place after another.”

Next excerpt: “We must continually emphasize and show that the war in Korea is an unjust war, a war of aggression, an imperialist war.”

Page 3: “Our aim is to work not merely for a retreat on the part of United States imperialism, but to strive for a basic change in the foreign policy of the United States, to work for a policy of peace and friendship with the Soviet Union, China, and so forth, and that requires the mobilizing of the broadest democratic coalition, powerful enough to defeat the present course of American imperialism, and bring into being A People’s Front Government dedicated to fulfilling the peace aspiration of the overwhelming majority of our people.

“And here just a few additional thoughts on the role of the American people. I think even in our own Party, there is too much speculation of what will be the effect of a victory or defeat for United States imperialism in Korea. Let me indicate what I think the facts could be. If the American forces are successful in Korea, that would encourage Wall Street to move forward in many parts of Asia and spread the war. If the American forces get a shellac-ing, while it would increase the desperation in Wall Street and Washington, it would encourage the peace forces of our Country and the world, and make it more difficult for Wall Street to unleash new adventures.”

[fol. 610] Page 5: “We must make clear that the struggle for peace, as understood by Marxists, does not mean ac-

cepting the status quo in the world, does not mean accepting colonial bondage, does not mean postponing the struggle for socialism. That was never our concept of the struggle for peace, nor can this be the concept of Marxists.”

The next excerpt: “In our own Party we must deepen further the understanding of our members that we do not take a neutral position to struggles of national liberation, nor, of course, to the struggle for socialism. Our policy of peace arises out of this basic understanding.”

Next: “We must show concretely that since the day of the U.N.’s birth at the San Francisco conference, United States representatives have conspired to undermine its influence, and prevent it from serving the cause of peace. United States imperialism started out at the beginning with the aim of transforming the U.N. into its instrument, an instrument to camouflage the aggressive plans of United States imperialism. We must show the people why the United Nations has never been able to play the role originally outlined in the U. N. Charter. The most the U. N. ever did was to mediate between the imperialist powers, as for instance, in Palestine, and so forth. But it never was the instrument for peace. And now, it is the open tool of American imperialism, and the flag of the U.N. is the flag of piracy in Asia.”

[fol. 611] Mr. Nelson: Isn’t that what a lot of newspaper men say these days?

The Court: You may ask the witness that on cross-examination.

Mr. Nelson: I can show you that, including Dorothy Thompson, just three days ago in the Pittsburgh Press said that and now I am going to jail because—you want me to go to jail because I said these things or agree with these things.

Mr. Lewis: Will you please limit him, your Honor, to cross-examination. This is not the proper time for Mr. Nelson to say or ask those questions at this time.

Mr. Nelson: Your Honor, my blood makes me boil over here when this man wants to deny my rights, wants to take me away from my family, destroy my political ideas because he got political ambitions.

The Court: We are here to protect your rights, and I will do so to the best of my ability.

Mr. Nelson: May I say something?

[fol. 612] The Court: I will ask your cooperation again, to limit yourself to cross-examination at the proper time. I will afford you every right that you are entitled to under any constitutions or laws, and I will do my best to protect you in that way. That is all I ask of you, is your cooperation.

Mr. Nelson: How could I do it, your Honor, when I am no lawyer, and you don't want to adjourn the case for even two days to give me a chance to get lawyers.

Mr. Lewis: I make a motion that that be stricken out.

The Court: That is in the record.

Mr. Lewis: That is just a speech to try to get the sympathy of the jury, and Mr. Nelson knows it. And I object to that kind of statement.

Mr. Nelson: You know there is some attorneys here——

The Court: Recess the Court. When these gentlemen cool down we will resume.

[fol. 613] (Recess)

(After recess)

The Court: Proceed with your additional excerpts from this Exhibit 25.

A. On page 8: "In the last two wars, not the United States, but other countries made great economic sacrifices."

The bottom of that page: "On this question of mass work, it is important to emphasize a number of things directly to our Party. First, we must stress to every Communist and every Party club the need for individual and club initiative. This question has never been as important as it is right now; the need is not to wait for directives, but to move with confidence and initiative. In this sense we must retrain our Party on the importance of learning how to give leadership to small groups, and not to view mass work as meaning only support for a national conference, a national campaign, or around a national issue. It is important to stress the need for individual Communists and individual clubs to lead the masses in small groups, whether at a shop or department level, in a community or block, in a local union or community

organization. I would say we have to take special steps to retrain our Party in understanding this principal method of work, because in the past period we have become accustomed to relying on national directives. Of course, [fol. 614] we will still have such directives but the stress must be on moving into action whether such directives are received or not."

The last excerpt is: "In this period we must learn to stand on our own feet. Each comrade in the leadership must learn to take a position, to use initiative, without constant consultation."

Mr. Nelson: Your Honor, what is the meaning of these two quotations he read right now? What is the meaning of that? What is the crime in that?

The Court: That is a matter for the District Attorney to argue to the jury in support of their contention, and is a matter for you to argue that it doesn't—and this is not the time for argument.

Mr. Lewis:

Q. Now, in reading this literature you referred to, or read, "imperialist wars" on several occasions. Have you ever heard the defendant say anything about "imperialist wars"?

A. I did.

Q. When?

A. He referred to that subject last year at one of the preliminary hearings in connection with this prosecution.

Q. What did he say?

[fol. 615] The Court: Where was the hearing and when was it?

A. The hearing was in this Court house, and occurred on September 1st, the day after he was arrested—a preliminary hearing. Do you want me to relate the instance?

The Court: September 1st, 1950?

The Witness: September 1st, 1950.

Mr. Lewis:

Q. Will you tell us what he said?

Mr. Nelson: Your Honor, is there a record of that? I assume that is a matter in this Court.

The Court: A record is not necessary if the witness was present and hearing any remarks made by a defendant, he is privileged to give them.

Mr. Nelson: The jury would want to know what is on the record. I don't want this man's interpretation of what I said a year ago.

[fol. 616] The Court: You may bring the record in, or subpoena them, or tell me about them and I will have them produced from the files at the proper time. If there are any records we will see that they are here for you. Proceed.

A. Steve Nelson said, at that hearing, "The Korean war is an imperialist war."

The Court: Mr. District Attorney, I wish to have you take under consideration this suggestion: Since this is cumulative of the matter of intent and motive, and so forth, and we limit the reading of excerpts from, let us say, ten of your exhibits and then offer any others without reading excerpts therefrom. You may, however, refer to them in your arguments, since they will be in evidence and the defendant will have the full right to refer to any of them, or cross-examine on any of them in his cross-examination of the witness.

Mr. Lewis: You mean ten different documents?

The Court: Not in excess of ten, yes. I assume you have many more than that, from the appearance of the desk there.

[fol. 617] Mr. Lewis: I do not intend to read all of this.

The Court: I would say, limit yourself—

Mr. Lewis: I would say it would just be pretty close to ten, maybe two or three more over that, that's about all.

The Court: Well, eliminate the two or three that do not have the importance of the others, and limit it to ten, so that we will have some limit to this cumulation of evidence, which is what it amounts to, on the matter of motive and intention.

Mr. Lewis: I will do the best I can without prejudicing our case.

The Court: I will not ask you to do anything that would prejudice your case, but I am asking you to cooperate to eliminate any unnecessary accumulation of evidence.

Mr. Lewis: I will do that. I have already gone through all this and set a lot of exhibits aside.

[fol. 618] The Court: Very well.

(Commonwealth's Exhibit No. 26 marked for identification.)

Mr. Lewis:

Q. We show you Commonwealth's Exhibit No. 26, and ask you if you ever seen that before?

A. Yes, I have.

Q. And what is that, if you know?

A. This is an outline guide for speakers, at club meetings, outdoor meetings, leaflet writers, and so forth. And material on the Korean situation prepared by the National Education Department, Communist Party of the United States, July 1, 1950.

Q. You say you saw it before?

A. Yes.

Q. Where did you see it?

A. On Steve Nelson's desk.

Q. When?

A. August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit 26, and would ask the witness to read excerpts therefrom.

The Court: Do you object, Mr. Nelson?

[fol. 619] Mr. Nelson: I suppose—or read the whole thing or not introduce it at all, not by this man's interpretation at any rate.

The Court: Objection overruled.

A. "Thus, American imperialism, in its drive for world domination—in its drive toward a new World War—has now entered the open military phase of its intervention in the affairs of nations and peoples, with the launching of a war of murder and plunder against the people of

Korea. It is its strategy of world expansion and domination, and not concern for Koreans 'democracy and independence' that determines the present far eastern policy of Wall Street and its by-partisans in Washington. For American imperialism must crush the national liberation movements in all parts of the world as a prerequisite to unleashing World War III.'

Page 11: "American imperialism, to unleash its aggressive predatory war against the Soviet Union and the peoples' democracy, must suppress the national liberation movements in the colonial world. It has arrogated to itself the right to intervene in every nation and colony in order to drown in blood the peoples' struggle for independence, to prop up the tottering imperialist colonial structure in order to protect Wall Street's vested interests threatened by the success of the national liberation movement and to substitute 'democratic' American made colonialism for the colonialism of the Imperial Japan, France, Britain, Holland and Belgium."

[fol. 620] Page 13: "In Korea the people have had the opportunity of witnessing the liberating role—not only in words but in deeds—of the Soviet troops and the Soviet occupation forces, as contrasted with the enslaving role of American troops and the American military authority. That is why as a united people they doggedly resist American military intervention."

(Commonwealth's Exhibit No. 27 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 27, and ask you what that is, if you know?

A. This is a bundle of documents, being duplicates of the ones from which I just read.

Q. Which was Exhibit No. 26?

A. That is correct.

Q. Do you know how many? Will you count those so we will have it in the record?

A. There are 20 copies—found in the Communist headquarters.

Mr. Lewis: Commonwealth's Exhibit No. 27 consists of 27 copies, and they are duplicates of Exhibit No. 26.

The Witness: I said 20 copies.
 [fol. 621] Mr. Lewis: 20 copies. We offer in evidence Exhibit No. 27.

The Court: The same objection of the defendant is noted, and that will be received.

(Commonwealth's Exhibit No. 28 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 28, and ask you what that is, if you know?

A. Yes.

The Court: The 20 copies were Exhibit 27, were they?
 Mr. Lewis: Yes, Your Honor.

A. "Plan of Work, National Committee of the Communist Party of the United States."

Mr. Lewis:

Q. Did ever see that exhibit before?

A. I did.

Q. And when did you see it?

A. I saw it on August 31st.

Q. Where?

A. In Steve Nelson's desk.

[fol. 622] Mr. Nelson: I renew my request, your Honor, that if it is going to be quoted at all, it ought to be read as a whole.

The Court: Your request is noted, and overruled.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 28, and ask the witness to read excerpts to the jury.

A. On page 1: "The aggressive armed attack against the people of Korea, and United States imperialist intervention in the whole of Asia, clearly shows that American imperialism has now entered the open military phase of its preparations to unleash World War III, threatening to embroil the whole world in a new world holocaust."

Mr. Nelson: Let the record show that that document there urges that people to sign a petition addressed to the United States Congress, urging the Congressmen to hold Truman's war policies.

The Court: You may direct the jury's attention to that, or the witness's attention to it on cross-examination.

[fol. 623] (Commonwealth's Exhibit No. 19 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 29, and ask you what that is, if you know?

A. It is a document entitled, "The Fight for Peace and the National Groups."

Q. Did you ever see that document before?

A. Yes, I did, on Steve Nelson's desk on August 31st, 1950, in the Communist headquarters in the Bakewell Building.

Mr. Nelson: I haven't the time to look it over carefully, your Honor, but it looks familiar to me. And I offer again the same request.

The Court: All right, your request—

Mr. Nelson: That it be read as a whole, or be given to the jurors to examine at their leisure, and not be given to them in these dosages here by this prejudicial witness.

The Court: The objection is overruled. The request is refused.

[fol. 624] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 29, and ask the witness to read excerpts therefrom.

A. Page 5: "Another very harmful idea, which especially among the people of the national groups, prevents the very elementary human desire to live, from leading to an organized peoples' struggle for peace, is the 'leftist' idea that 'we should not fight against war as war will mean the end of capitalism on a world scale.' Its most tricky expression is to be found in the slogan 'Let the capitalists start the war, the people will end it in their own way.' Of course, if an imperialist, anti-Soviet and anti-working class war should be started by the servants of Wall Street, it will become a

sacred duty of the workers and peoples in the capitalist countries to put an end to it in a revolutionary way, under the leadership of the Communists.”

Mr. Nelson: Have you got any extra copies of that?

Mr. Lewis: Not of this one.

Mr. Nelson: You see, the position I will be in, your Honor.

The Court: We will give you an opportunity—

[fol. 625] Mr. Nelson: The man doesn't give me a copy, I don't have this stuff at all, because it is in the warehouse. And I will be expected, even as a layman, to go ahead and try to examine these things and cross-examine this man, which will be impossible.

Mr. Cercone: He was supplied copies of all of them, your Honor.

Mr. Lewis: For the purpose of the record—

The Court: We will afford him any opportunity of examining them that the situation may require.

Mr. Nelson: It is necessary to prepare for cross-examination.

Mr. Lewis: The defendant was given a copy of everything that we have.

Mr. Nelson: That, your Honor, is now in the hands of the lawyers.

The Court: We will discuss that at the proper time, gentlemen, not now. I will rule on the motion at the proper time. Proceed.

[fol. 626] (Commonwealth's Exhibit No. 30 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 30, and ask you what that is, if you know?

A. That is a document entitled, "Heroic Struggle of the People of South Korea for Unity and Independence of the Country".

Q. Did you ever see that document before?

A. I did. I saw it on Steve's Nelson's desk on August 31st, 1950, in the Communist headquarters.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 30. We have furnished Mr. Nelson with a copy of that.

The Court: His objection will be noted, a similar objection, and overruled.

Mr. Nelson: I make a similar request.

Mr. Lewis: We will ask the witness to read excerpts therefrom.

Mr. Nelson: Let the record show that this statement, or this folder here that I have, or mimeographed piece of material, was written before the Korean war.

[fol. 627] The Court: Give the date of the pamphlet if it is shown on the pamphlet.

Mr. Nelson: It shows how the people want to unite the Country and how the—

The Court: You may develop that on cross-examination if the excerpts do not.

A. On page 5: "The rejection of the Soviet proposal by the United States Government completely exposed the aggressive designs of the American imperialists who wish to continue the occupation of South Korea, with the view to converting it into a United States colony and military base."

Mr. Nelson: Now you can see, your Honor, he started in the middle of a sentence and it does not convey a clear idea.

The Court: You have a copy of it, and you may develop anything else in it on cross-examination.

(Commonwealth's Exhibit No. 31 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 31, and ask you what that is, if you know?

[fol. 628] A. This is a bundle of documents, being duplicates of the one I just read from, which you introduced in evidence.

Q. Did you ever see that bundle of documents before?

A. Yes, I found them in the Communist headquarters on August 31st.

Q. Will you count those so that we will have in the record as to how many copies this bundle contains?

A. 36 copies.

Mr. Lewis: Commonwealth's Exhibit No. 31 consists of 36 copies, which are duplicates to Exhibit No. 30 which has already been offered in evidence.

(Commonwealth's Exhibit No. 32 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealths' Exhibit No. 32, and ask you if you ever saw that before?

A. I did.

Q. And what is that?

A. It is a pamphlet entitled, "Some Ideological Questions on the Struggle for Peace. Material for classes and study groups, for speakers, instructors and active workers in the fight for peace"—issued by the National Education Department of the Communist Party in New York.

Q. Where did you see that exhibit before?

[fol. 629] A. On Steve Nelson's desk on August 31st, 1950.

Mr. Nelson: Do you have any copies of that?

Mr. Lewis: No, that is the only one I have.

The Court: The same objection and request refused and overruled.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 32, and ask the witness to read excerpts therefrom.

A. On page 3: "The material has been prepared to meet the needs of speakers, reporters, teachers and active workers in the fight for peace. It will also be found useful for study classes and as subject matter for club discussion of the individual topics."

On page 5: "Is American foreign policy imperialist? 1. It has always been a feature of American capitalism in its drive for expansion to conceal its aggressive predatory aims and hypocritically and deceitfully to make war in the name of humanitarianism, civilization, democracy and peace."

On page 7: "Thus we see that American imperialism has always practiced deceit and hypocrisy to conceal its predatory aims."

The next excerpt is: "The United States is not only an [fol. 630] imperialist country. It is the foremost imperialist country in the world, the center of world reaction, pursuing aggressive aims of world domination. It is seeking, like Hitler imperialism, to build a world empire."

On page 13: "The claims that American imperialism does not enslave but frees colonial peoples, as illustrated by the granting of 'independence' to the Philippines, is a fraud. The Philippine Islands remain fully dominated, politically and economically, by Wall Street."

"The policy of American imperialism toward the Philippines expresses the new forms of imperialist domination in the present period. The United States granted a sham independence to the Philippines, while actually retaining control in the following ways:

"a. It has a complete stranglehold on the economic life of the Islands."

Page 14: "Thus the facts show that the United States is an imperialist country. It is, moreover, the chief imperialist power in the world today. It has become the major oppressor of the peoples of the world—the gendarme that seeks to crush the liberation movements of the colonial, semi-colonial and dependent countries. It dominates over and oppresses the defeated countries, Japan, Italy and Western Germany and it is striving to enslave other capitalist countries, such as France, and so forth."

[fol. 631] On page 17: "As a result of the basic changes brought about by the war, a new alignment of political forces has arisen on a world scale. Two major camps have been formed—the imperialist and anti-democratic camps and the anti-imperialist and democratic camps. The mighty anti-imperialist camp of peace, democracy and socialism, headed by the Soviet Union, stands as a powerful barrier in the path of United States imperialism's drive to dominate the world."

(Commonwealth's Exhibit No. 33 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 33, and ask you if you know what that is?

A. Yes, that is a document entitled, "Proposed Budgets for Activities, 1947."

Q. Did you ever see that before?

A. I did. I saw it in the Communist headquarters in the Bakewell Building on August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 33, which is entitled, "Proposed Budget for Activities, 1947."

The Court: The same request—

Mr. Nelson: Let the record show that the document is [fol. 632] signed by another man, not by myself—or show that even Musmanno doesn't say that I wrote it. And I don't see why it is being brought in. What has it got to do with me?

The Court: Well, tell us, before your offer is received, where did you find it and for what is purports to be a budget.

Mr. Nelson: He found everything on my desk—everything was on the desk like this. That's what he's talking about.

The Court: Ask the witness to tell us that.

The Witness: I did not say I found it on your desk, incidentally.

Mr. Nelson: That is what you said all morning.

The Court:

Q. Where did you find it?

A. I found it in the filing cabinet.

Mr. Lewis:

Q. In the Communist headquarters?

A. In the Communist headquarters, in the Bakewell Building.

Q. On August 31st?

[fol. 633] A. That is right.

Mr. Lewis: This is being offered to show the activities of the Communist Party in Western Pennsylvania.

Mr. Nelson: Was it in some kind of a hidden safe, somewhere where nobody else could see it?

The Witness: Am I to reply to questions put to me by the defendant?

The Court: I am directing the District Attorney to get you to further elaborate on where you found it and under what circumstances it was found.

Mr. Nelson: Was the document in some kind of a hidden place, under the carpet or something?

The Court: No—we will ask the witness to answer the questions you are suggesting.

Mr. Lewis:

Q. Was it in the safe?

A. No, it was not in the safe.

Q. You say it was in a bookcase—or where did you say?

A. In a filing cabinet.

[fol. 634] Q. In a filing cabinet?

A. That is right.

The Court:

Q. Was it locked or unlocked?

A. It was unlocked.

Q. Unlocked—whose room was it in, sir? Was it in the receptionist's room or in Mr. Nelson's room?

A. In the receptionist's room.

The Court: What is the purpose of the offer?

Mr. Lewis: The purpose of the offer is to show the activities of the Communist Party here in Western Pennsylvania.

Mr. Nelson: There, your Honor, I thought the Communist Party wasn't going to be on trial.

The Court: Does that throw any light on the intention or motive on the part of the defendant?

Mr. Lewis: It shows how the Party operates, and that is part of the indictment.

[fol. 635] Mr. Nelson: Well, is the Party on trial, Mr. Lewis?

The Court: No, it is not.

Mr. Lewis: Let me finish, please.

The Court: Proceed.

Mr. Lewis: This defendant is accused of belonging to a subversive——

The Court: Just a minute, "yes" or "no", does it lead to the motive and intention of this defendant? Is it offered for that purpose, of showing his motive or intention?

Mr. Lewis: Not by itself, but it will be connected up.

The Court: All right, for that limited purpose, we will overrule the objection and permit it to be offered.

Mr. Lewis:

Q. We will show you Commonwealth's Exhibit No. 34, and ask you what that is, if you know?

A. "Financial Statement, January 1, 1948 through December 31, 1948."

Q. And did you ever see that exhibit before?

A. I did. I saw it in the filing cabinet in the reception-[fol. 636] ist's office in the Communist headquarters in the Bakewell Building, 417 Grant Street, on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 34.

The Court: On the same basis, your offer will be received.

Mr. Lewis: Yes, on the same basis.

The Court: Objection to it is overruled.

Mr. Nelson: What? 34 is the same thing——

The Court: The statement for 1948.

Mr. Lewis: January 1, 1948 through December 31, 1948.

(Commonwealth's Exhibit No. 35 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 35, and ask you what that is, if you know?

A. That is a financial statement from January 1, 1948 through October 31, 1948, found in the same place as the other two previous exhibits.

[fol. 637] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 35.

The Court: The same objection is noted and overruled. I misunderstood, is that financial statement for one month?

Mr. Lewis: No. 34 is the—no, it is a statement from January 1st, 1948 through December 31, 1948.

The Court: The second one is for one month of 1948?

Mr. Lewis: No, Exhibit No. 35 is January 1st, 1948 through October 31, 1948.

(Commonwealth's Exhibit No. 36 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 36, and ask you what that is, if you know?

A. That is a financial report, January through June, 1949, found in the same place, at the same time.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 36.

[fol. 638] The Court: The same objection is noted and overruled.

Mr. Nelson: What is the purpose of showing this, your Honor? Is there any items that indicate that I got money from the Communist Party?

The Court: I do not know. He said he is going to follow it up. We are permitting it on the basis of his statement that he is going to follow it up, concerning some activity as to motive and intent on your part, as I understand it.

(Commonwealth's Exhibit No. 37 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 37, and ask you if you know what that is?

A. Yes, a document entitled, "Proposed Budget for Activities, 1946, Communist Party, Western Pennsylvania District", found in the same place, same time.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 37.

[fol. 639] The Court: The same objection is noted and overruled.

Mr. Lewis: And we would like to read into evidence one paragraph of this exhibit which refers to the activities and the aim and policy of the Communist Party.

The Court: The objection to it will be noted and overruled.

Mr. Nelson: It is a reference to the Communist Party, and not to what I have done.

Mr. Lewis: We are going to follow it up by showing the Communist Party is a seditious organization.

Mr. Nelson: Well then the Communist Party is on trial, Mr. Lewis. Is that right, your Honor?

The Court: No, sir.

Mr. Nelson: That's what he says.

The Court: It will not go to the jury unless you are [fol. 640] connected with it. If it is not, of course, you are not affected.

Mr. Nelson: Unless I am connected with it?

The Court: That is right. The Communist Party is not on trial, and membership in it is not sufficient, and I told the jury in your presence, many, many times. Let's pursue it with further evidence to indicate that you did something in violation of the Sedition Act of the Commonwealth of Pennsylvania, your association with the Party, of course, is evidence which may be considered in determining your intent.

Mr. Nelson: That is not what you said to the jury when the jury was selected, your Honor.

The Court: Yes, it was.

Mr. Nelson: Your Honor, I object to your remarks. They are not the same as when the jury was being selected.

The Court: We will note your objection. Just for a matter of record—

[fol. 641] Mr. Nelson: Mr. Cercone didn't say that either.

The Court: Just as a matter of record, every question, as I recall, put to the prospective jurors was that: whether membership in the Party was sufficient to sustain a conviction. I repeatedly said and told the jury it was not.

Mr. Nelson: You told them the Communist Party was not on trial.

The Court: It is not on trial, that is right.

Mr. Nelson: Why is this Communist document being read now? It is not my document.

The Court: It was supposedly in your possession, that is the reason.

You may read the paragraph into the record. The record will show the objections of the defendant and his reasons therefor, and the action of the Court overruling them.

Mr. Lewis: I am reading from the proposed budget for ac-[fol. 642] tivities, 1946, Communist Party of Western Pennsylvania, under the heading "Failure Means Crisis."

"One final word on the budget: We must decide what must be done, and then we must guarantee that it will be done. If we make plans and decisions and then don't provide the means for carrying them out, we will have a crisis in the Party and will be unable to carry out decisions decided on by the membership. Past experience and especially that of the last year proves this. Here is what happened last year in terms of what was planned and what happened. Estimated income for last budget: Dues estimate, \$2,400.00; literature, \$480.00; fund drive, \$8,000.00; individual contributions, \$4,300.00; affairs meeting, \$2,500.00; National Committee, \$2,640.00. Estimate total, \$21,620.00. Actual total, \$14,229.86. Deficit, \$7,591.14.

"What was actually raised: Actual income, \$1,767.69. Actual income for literature, \$160.00; fund drive, \$3,640.00; individual contributions, \$1,037.00; affairs meet-[fol. 643] ing, \$1,300.00; National Committee, \$3,640.00. Actual total, \$11,544.69. Total, plus \$2,665.17, including income from other sources, total \$14,229.86.

"What was done in view of the deficit, and how did it affect the work? Here are the facts: We planned to spend \$1,500.00 on radio, and actually spent \$190.00; we planned to spend \$1,200.00 on propaganda, and actually spent \$291.59; the district had to sell the two cars, one office was closed, two people were dropped from the payroll. In a word, the deficit resulted in a complete paralysis of the Party. Certainly we cannot and will not allow this to happen again. A year ago we could be indifferent because a revision of policies denied the indispensable role of the Communists. We are correcting that mistake today because we recognize that the existence of a strong, active, fighting Communist Party is a necessary precondition for insuring unity of labor and all man forces in a struggle against American imperialism?"

[fol. 644] Mr. Nelson: Let the record show, your Honor, this document goes way beyond the date of the indictment. It is a 1946 document, when I was not even in Pittsburgh at the time. And furthermore, I don't know what the dollars and cents have to do with me.

The Court: Well, your objection concerning your absence from the City here is an important objection. If you were not involved in this headquarters, had nothing to do with it at that time, of course, it is properly objectionable. And if you wish, after the completion of the other evidence, if there is no evidence to connect you with it, I will be glad to sustain a motion to strike it from the record and withhold it from consideration by the jury.

I might consider all of these exhibits, Mr. Lewis, if there is anything that goes beyond the two-year period prior to the indictment, and you have not any evidence to connect this defendant with them other than their presence in an office, possibly they are objectionable.

[fol. 645] Mr. Lewis: Well, the only reason that the last one was introduced in evidence, there is a count in the indictment which says that anybody that is a member of, or an organized in an organization, that advocates the overthrow of the government by force and violence, is guilty of a crime. Now we are going to show that this organization is a seditious organization and does advocate the overthrow of the government by force and violence. And, therefore, any evidence that we have, even though it develops that it would go prior to the indictment, goes to the intent and knowledge of the members and organizers in the Party.

The Court: Well, I have not ruled it out at this time; we will consider it and determine whether it should be ruled out later. I am merely directing your attention to the possibility.

Mr. Nelson: Your Honor, I don't know what to do about these things legally. Consequently—

The Court: The way to protect your record, Mr. Nelson, [fol. 646] is to enter objections. I am trying to note your objections wherever it is adverse to you, any ruling, so that you will be protected.

Mr. Nelson: Yes, but my opinion is, your Honor, that human actions are not like a clock where you can stop them, wind them up and stop them. The jurors here hear things

now, and two weeks or two months from now they will hear something else—what effect is it going to have on them? You tell them to forget that Mr. Lewis said such and such today, but that is just so much mumble-jumble. I can't see where that makes any sense.

The Court: Possibly there is some merit in what you say, but that is all we can do under the circumstances.

(Commonwealth's Exhibits 38, 39 and 40 marked for identification.)

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 38, and ask you if you know what that is?

A. This is a document entitled, "Study Course on the [fol. 647] Communist Party, the working class and Industrial Concentration, Outline Guide for Schools, Classes and Study Groups", issued by the National Education Department of the Communist Party of New York.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 38.

The Court: The same objection will be noted for the defendant, and overruled.

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 39, and ask you what that is, if you know?

A. This is a document entitled, "Outline on the Fundamentals of Marxism, for Class Study or Self-Study", issued by the National Education Commission of the Communist Party in New York.

Q. Did you ever see that book before?

A. Yes. That and the preceding one I obtained in the Communist headquarters on August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 39.

The Court: The same objection noted for the defendant, and overruled.

Mr. Lewis:

Q. I show you Commonwealth's Exhibit No. 40, and ask [fol. 648] you what that is, if you know?

A. This is a document entitled, "World Significance of the Defense in China, Discussion for Outline and Material for Classes", issued by the National Education Department of the Communist Party in New York.

Q. Did you ever see that exhibit before?

A. Yes, I found that with the preceding two exhibits in the Communist Party headquarters in the Bakewell Building, on August 31st, 1950.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 40.

The Court: The same objection noted for the defendant, and overruled.

Mr. Lewis: I want to get this organized a little bit better, your Honor, and I think we will save time in the long run.

The Court: We will adjourn now until 1:00 o'clock, instead of waiting until 12:00 and adjourning until 1:15. Court adjourned until 1:00 o'clock.

(Court adjourns at 11:50 o'clock A. M. until 1:00 P. M. of the same day.)

[fol. 649] TRANSCRIPT OF OFFICIAL NOTES OF TESTIMONY—
DECEMBER 20, AND DECEMBER 21, 1951

Thursday, December 20, 1951

Afternoon session

The Court: In connection with this affidavit, I have read it. I have considered it as a renewal of your motion to postpone and signed an order permitting it to be filed, refusing, of course, the motion as I did yesterday.

Mr. Nelson: I would like to take up a matter pending your convenience at Side Bar.

The Court: You may at the close of the session today. I will be glad to take up any matter with you that you wish.

(Judge Musmanno resumes the witness stand)

Direct examination (continued)

By Mr. Lewis:

[fol. 650] (Commonwealth's Exhibit No. 41, marked for identification)

Q. I show you Commonwealth's Exhibit No. 41 and ask you what that is?

A. It is a book entitled "United Front Against Fascism" by George Dimitroff.

Q. Do you know who George Dimitroff was?

A. He was the secretary of the communist international.

Q. Did you see that exhibit before?

A. Yes. I got this from James Dolsen on July 19, 1950 in the communist headquarters.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 41.

Q. And ask the witness to read excerpts.

The Court: Same objection is entered and objection overruled.

A. On page 120: "The eyes of millions of workers, peasants, small townspeople, office workers and intellectuals, of colonial peoples and oppressed nationalities are turned toward Moscow, the great capital of the first, but not last state of the international proletariat."

[fol. 651] Mr. Nelson: Isn't the prosecution even going to show at least the courtesy of showing what they are reading?

The Court: Yes, I think they are.

Mr. Nelson: I haven't seen the last document or a number of them.

(Commonwealth's Exhibit No. 42, marked for identification, and shown to defendant)

Mr. Nelson: Let the record show this pamphlet was printed in 1935 and therefore must have been in circulation in this country for at least eighteen years—fifteen years—before these people decided to make it a seditious piece of material.

The Court: If it shows it was published in 1935 that of course will be before the jury.

Q. I show you Commonwealth's Exhibit No. 42, and ask [fol. 652] you what that is, if you know?

A. It is a magazine called "Political Affairs" which refers to the Fourteenth National Convention of the Communist Party of the United States of America, published September, 1948. I obtained it at the communist headquarters from James Dolsen on July 19, 1950.

Mr. Nelson: Again, Your Honor, if the jurors are going to pass judgment on this they ought to see the pamphlet unmarked.

The Court: We will endeavor to comply with your request and supply unmarked sections as far as that is possible.

Mr. Nelson: Showing the proceedings here legitimate and above board and all the proceedings were printed. If there was any crime committed would they be printed in this manner.

The Court: You are not being charged with any crime relating to that.

Mr. Nelson: Why is it being read then?
[fol. 653] Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 42.

Q. And ask the witness to read excerpts therefrom.

A. From page 833: "It has been wisely said that the Communist Party of the United States is one of the few Communist Parties that will be called upon to play a decisive role in the development of the world revolutionary movement. This is profoundly true." Last column: "But what is even more important, the Communist parties of other countries understand the vital role that our Party has to play."

Q. Do you know who publishes that magazine?

A. It is published by the New Century Publishers in New York under the guidance of the Communist Party of the United States.

The Court: What issue is that?

Mr. Lewis: This is the issue of September, 1948.

(Commonwealth's Exhibit No. 43, marked for identification)

Q. I show you Commonwealth's Exhibit No. 43, and ask you if you know what that is?

A. It is a magazine called "Masses and Mainstream" [fol. 654] also published through the guidance of the Communist Party of the United States which I obtained in the communist headquarters in Pittsburgh on August 31, 1950. The date of the magazine is August, 1950.

Mr. Nelson: I renew my request, Your Honor.

The Court: Your request will be noted, refused, the objection to the offer is also recorded and refused and objection overruled.

Mr. Lewis: We offer in evidence Commonwealth's Exhibit No. 43.

Q. And ask the witness to read excerpts therefrom.

A. On page 20, the sentence: "What does the United States hope to gain by this venture? First of all—Korea, and no nonsense about a Thirty-Eighth Parrallel either." Then on page thirteen there is a cartoon.

Mr. Lewis: I would like permission to show this cartoon to the jury, if the Court, please.

[fol. 655] The Court: The whole book is in evidence. You may.

(Exhibit shown to defendant)

Mr. Lewis: I think it will be better to pass it around.

The Court: Give it to the Foreman and let her pass it.

(Commonwealth's Exhibit No. 44, marked for identification)

Q. I show you Commonwealth's Exhibit No. 44, and ask you if you know what that is?

A. This is a booklet entitled "Lenin" written by Joseph Stalin.

Q. Did you ever see this book before?

A. Yes. I obtained this book in the communist headquarters in Pittsburgh, Bakewell Building on August 31, 1950.

(Exhibit shown to defendant)

Mr. Nelson: Again the pamphlet shows it was printed in 1934; must have been in a circulation a long time. [fol. 656] The Court: What is the date on it? Date of publishing.

Mr. Nelson: And here we are, going back into ancient history.

Mr. Lewis: Copyrighted in 1934. It doesn't say when it was printed. We offer in evidence Commonwealth's Exhibit No. 44.

Q. And ask the witness to read excerpts therefrom.

Mr. Nelson: I would like to look at the other one a moment after the jurors are through.

The Court: All right.

Mr. Nelson: Here since the prosecution introduced the subject of Korea and this cartoon—what they showed the jurors was meant to prejudice them against my opposition in going into Korea, there is an article here dealing with [fol. 657] that subject. I would like to have that article read to the jury—by Mr. Aptheker.

The Court: We will direct the jury's attention to it, Mr. Nelson.

Mr. Nelson: Why doesn't he do it now instead of showing the whole prejudicial thing without any meat to it. How can they make any kind of observation to it or come to any conclusion merely on the basis of a cartoon. I have seen cartoons in the Pittsburgh Press where Mayor Lawrence is made to look like an idiot. Does that mean anything?

The Court: You may have the same privilege of directing the jury's attention to anything that you want to in that article that may offset or explain the article in any way.

Mr. Lewis: I offer in evidence Commonwealth's Exhibit No. 44.

[fol. 658] The Court: Same request, same objection, refused and objection overruled.

A. On page 15, I read: "We communists are people of a special mould. We are made of special material. We are those who comprise the army of the great proletarian strategist, the army of Comrade Lenin. There is nothing

higher than the honour to belong to this army. There is nothing higher than the title of member of the Party founded and led by Comrade Lenin.”

Mr. Nelson: Let it be noted that was made by Stalin in 1924 at a funeral of Lenin. What has that go to do with me if somebody else made a funeral oration? I haven't heard the Judge's speech yet today, what he said about the death of our Treasurer over here, County Treasurer; I don't know what he said. Can I be held responsible for what you said at that place?

The Court: The jury will be fully instructed as to the effect of this. It already has been and will be further in the Court's Charge.

[fol. 659] (Commonwealth's Exhibit No. 45, marked for identification)

The Court: These excerpts to be read, are they about expired?

Mr. Lewis: I would say as I informed you this morning, we have done quite a bit of work eliminating a lot of books we used in the other trial. I told you we would finish this witness' testimony this afternoon, everything we have, and present our case without prejudicing our case.

The Court: I am trying to avoid something that may be unnecessary. If it is all accumulative it seems to be that the offer of most of these things would accomplish the result with the further privilege of yourself or Mr. Cercone referring to them in your arguments to the jury.

Mr. Lewis: It really isn't accumulative. It touches different phases. Some of them hold the government up [fol. 660] to ridicule and contempt.

The Court: It all relates to motive, does it not, on the part—

Mr. Nelson: You mean people have no right to criticize government policy?

The Court: We all do to a certain extent.

Mr. Nelson: We have that right, Your Honor. I don't have to go down with Truman's war program if I don't want to. I don't have to follow that policy.

Mr. Lewis: Please don't talk to me, Mr. Nelson.

The Court: Pardon me until I complete my remarks to counsel here. Now, if it is accumulative I ask you to re-

spect my wishes on the matter concerning limiting the matter of accumulation let's say beyond ten or twelve as [fol. 661] you suggested this morning. If there is another purpose concerning it, I will be glad to hear you on that other purpose and permit the reading of additional matters.

Mr. Lewis: It really isn't accumulative for this reason. There are several phases to this thing as set forth in the indictment. One is that the United States has been held up to ridicule and contempt. Now that is one phase. And some of these books, some of these pamphlets prove that. There is another phase of this thing to the effect that these men are organizers in an organization that advocates the overthrow of the government by force and violence. Other of these pamphlets refer to that. So it really isn't accumulative all on one point. There are several phases. We don't have too many other books, and I would say to the Court that within—I would say about 2 o'clock we would be finished with reading these excerpts.
[fol. 662] The Court: Very well, that satisfies me. Proceed.

(Commonwealth Exhibit No. 46, marked for identification)

Q. I show you Commonwealth Exhibit 46 and ask you what that is?

A. This is a pamphlet entitled "Turning point in China" printed by the New Century Publishers in 1948 written by Mao Tse-Tung.

Q. Did you ever see that pamphlet before?

A. I did. I obtained it in the Communist Headquarters in the Bakewell Building on August 31st, 1950.

(Exhibit shown to defendant)

Mr. Nelson: I renew my request.

The Court: Renewed motion is overruled.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 46.

Q. And ask the witness to read excerpts therefrom.

A. On page 3: "The Chinese People's Liberation Army in this land of China has reversed the counterrevolutionary [fol. 663] wheels of American imperialism and of Chiang Kai-Shek's gang of brigands onto the road to ruin. They

have pushed forward *forward* their own revolutionary wheels along the road to victory.”

Mr. Nelson: What is the meaning of that? You mean the Chinese people have no right to kick out Chiang Kai-Shek if they don't want him? Am I responsible for the fact that they do it or if I sympathize with them because they did it?

The Court: The jury will be instructed as to your right of free speech, freedom of the Press fully, Mr. Nelson.

Mr. Nelson: That is exactly what is on trial, Your Honor, my right to think and speak and say what I please. That is what is on trial here.

The Court: The jury will be informed about that.

Q. I show you Commonwealth Exhibit No. 45 and ask you what that is?

[fol. 664] A. This is a booklet entitled “Socialism and the Individual” by M. D. Kammari published in Moscow in 1950 by the Foreign Languages Publishing House.

(Exhibit shown to defendant)

Mr. Lewis: We offer in evidence Commonwealth Exhibit 45.

Q. And would ask the witness to read excerpts to the jury.

Mr. Nelson: I don't know where that pamphlet was picked up. I never seen it.

The Court: Have the witness identify it.

Q. Did you ever see that before?

A. Yes. I obtained it in the Headquarters of the Communist Party of Western Pennsylvania in the Bakewell Building, suite 426, on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit 45.

[fol. 665] The Court: Same objection as entered and overruled.

A. I read from page 10. “Communism does away with bourgeois private property, the necessary precondition for

whose existence is the lack of property on the part of the vast majority of society. The bourgeois, however, argues that in destroying bourgeois private property Communism destroys individuality. 'You must, therefore, confess,' reply Marx and Engels, 'that by "individual" you mean no other person than the bourgeois, than the middle-class owner of property. This person must, indeed, be swept out of the way, and made impossible.' "

Mr. Nelson: Let it be noted that the man quoted referred to Carl Marx who died in 1873.

Mr. Cercone: Let it be noted this was published in 1950, Your Honor.

The Court: Both are noted. It is all in the record. The entire book is in the record.

(Commonwealth Exhibit No. 47, marked for identification.)

Q. I show you Commonwealth Exhibit No. 47 and ask you if you know what that is?

A. This is a pamphlet entitled "Notes on the National Question."

Q. Did you ever see that pamphlet before?

A. I did.

Q. Where did you see it?

A. I saw this in the Communist Headquarters on August 31, 1950 in the Bakewell Building.

(Exhibit shown to defendant.)

Mr. Nelson: It was printed originally in 1944, September 1944.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 47.

Q. And ask the witness to read excerpts to the jury.

The Court: Same objection entered and overruled.

A. On the frontis-piece appears in handwriting the name William Albertson who was a former secretary of the Communist Party of Western Pennsylvania. On page 22—

Mr. Nelson: Your Honor, how does he know whose handwriting that is? Is he going to become a handwriting expert?

The Court: He didn't say handwriting. He said the name—Did you say handwriting or name?

The Witness: I said the name William Albertson appears in handwriting.

A. (continued) On page 22 I read: "The revolutionary interests of the working class must in all circumstances take precedence over all other interests. In no circumstances are the revolutionary workers defenders of the nation as such, for their ideal is not the nation but socialism." On page 23: "But for the revolutionary workers the interests of socialism always take precedence over all national interests." On page 38: "We are no nationalists, and shall never be nationalists. We are internationalists. For us, the nation is not the highest. For us the highest is socialism, communism."

[fol. 668] (Commonwealth Exhibit No. 48, marked for identification.)

Q. I show you Commonwealth Exhibit No. 48 and ask you what that is, if you know?

A. This is a pamphlet entitled "On the Struggle Against Revisionism" published by the Communist Party of the United States in New York in January 1946.

(Exhibit shown to defendant.)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 48.

Q. And ask the witness to read therefrom.

By the Court:

Q. Where did you secure that?

A. I obtained this at the Headquarters of the Communist Party in Pittsburgh in the Bakewell Building on August 31, 1950.

The Court: Note an objection and it is overruled.

A. On page 2 there appears the following: "National Officers of the Communist Party, U.S.A. National Secre-

[fol. 669] tariat: William Z. Foster, Eugene Dennis, John Williamson, Robert Thompson. National Board:" in addition to the above—"Benjamin J. Davis, Jr., Elizabeth Gurley Flynn, Jack Stachel, Louis Weinstock, Josh Lawrence, Irving Potash, Steve Nelson." On page 4, I read the following: "The defeat of the plans of American imperialism for world domination, its reactionary intervention in China and in the European democracies, its ruinous course of weakening Big Three unity, which as you know is the sole guarantee of world peace, requires the maximum mobilization of all our forces and energies." Then at the bottom of the page appear the words "Comradely yours, William Z. Foster."

By Mr. Nelson:

Q. What does he mean by that quotation? Is it in the indictment?

The Court: It is not in the indictment. As I understand, none of these volumes—the indictment is not based on any of these.

Mr. Lewis: That is correct, Your Honor.

The Court: Direct my attention to the fact that any of [fol. 670] them support directly the indictment.

(Commonwealth Exhibit No. 49, marked for identification.)

Q. I show you Commonwealth Exhibit No. 49, and ask you if you know what that is?

A. This is a bundle of leaflets which are duplicates of the one I just read from. And I obtained them in the—rather I didn't obtain them, I saw them in the Communist Headquarters on August 31, 1950.

Q. Count those, please?

A. 28 copies.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 49 which is a bundle of copies which are duplicates of Commonwealth Exhibit No. 48.

The Court: Same objection entered and overruled.

(Commonwealth Exhibit No. 50, marked for identification.)

[fol. 671] Q. I show you Commonwealth Exhibit No. 50, and ask you what that is?

A. This is a publication entitled "Working Class Unity for Peace," published by the New Century Publishers in New York, 1950.

(Exhibit shown to defendant.)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 50.

Q. And ask the witness to read excerpts therefrom. Did you testify where you saw that? Did you ever see that before?

A. I obtained it in the Communist Headquarters in the Bakewell Building on August 31, 1950.

The Court: Objection overruled, offer received.

A. (continued) On page 9, I read: "U.S. imperialism has become the center and mainstay of world reaction." At the bottom of the page "The policy of war preparations also found expression in the so-called Marshall Plan. The Information Meeting of the Communist Parties held in September 1947 revealed the real aims of the Marshall Plan as a plan for the economic and political enslavement of Europe by U.S. imperialism." On page 25, "The preparations for a new war are indissolubly linked with the enslavement of [fol. 672] the countries of Europe and of other continents by U.S. imperialism." On page 54: "'An internationalist is he,' says Comrade Stalin, 'who unreservedly, without any hesitation, and unconditionally, is ready to defend the U.S.S.R. because the U.S.S.R. constitutes the base of the world revolutionary movement, and to defend, to advance this revolutionary movement is impossible without defending the U.S.S.R. He who thinks in terms of defending the world revolutionary movement without the U.S.S.R., and against it, goes against revolution and inevitably finds his way into the camp of the enemies of revolution. (J. V. Stalin, Selected Works, Volume 10, Page 51, Russian Edition).' How profoundly appropriate these words of our great leader sound today. The dialectics of the class struggles are unmerciless."

(Commonwealth Exhibit No. 51, marked for identification.)

Q. I show you Commonwealth Exhibit No. 51, and ask you what that is, if you know?

A. These are duplicates of the booklet I just read from.

Q. How many copies are in that bundle?

A. 11 copies, which I saw in the Communist Headquarters on August 31, 1950.

[fol. 673] Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 51 which are duplicates of Commonwealth Exhibit No. 50.

The Court: Same objection, overruled.

(Commonwealth Exhibit No. 52, marked for identification.)

Q. I show you Commonwealth Exhibit No. 52, and ask you what that is, if you know?

A. This is a pamphlet entitled, "On People's Democratic Rule" by Mao Tse-Tung, published by the New Century Publishers, July, 1950.

Q. Did you ever see that before?

A. I did. I obtained this in the Communist Headquarters on July 19, 1950, in Pittsburgh from James Dolsen.

Q. Do you know who Mao Tse-Tung is?

A. Yes, he is the present chairman of the Central Committee of the Communist Party of China and the head of the Red Armies of China.

(Exhibit shown to defendant.)

Mr. Nelson: Since there are copies available I think the [fol. 674] fairest thing would be to let the jury look at the pamphlet itself. This pamphlet deals with the revolution in China, the way they kicked out Chiang Kai-Shek and his cronies. And they have the same right to do that as George Washington had to chase out the British from here.

The Court: The jury may have the benefit of the whole thing and read it if they deem it important.

Mr. Nelson: Certainly they are not going to indict the four hundred million Chinese people for what they have done.

The Court: That is not the purpose.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 52.

Q. And ask the witness to read excerpts therefrom?

A. On page 8 I read: "Internationally we belong to the anti-imperialist front, headed by the Soviet Union, and for genuine, friendly aid we must look to this front and not to [fol. 675] the imperialist front. We are told, 'You are establishing a dictatorship.' Yes, dear gentlemen, you are right. We are indeed establishing a dictatorship. The experience acquired by the Chinese people over many decades shows us the need to establish a dictatorship of the people's democracy."

(Commonwealth Exhibit No. 53, marked for identification.)

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 53 and ask you if you know what that is?

A. These are duplicates of the pamphlet I just read from.

Q. Did you ever see that bundle before?

A. Yes, in the Communist Headquarters in the Bakewell Building on August 31, 1950. If you are asking me how many there are there, I have not made a count. I would say there are over 100.

Q. That is an estimate?

A. That is an estimate.

Mr. Lewis: We offer in evidence the bundle, Commonwealth Exhibit No. 53, which are duplicate copies of Commonwealth Exhibit No. 52.

[fol. 676] The Court: Objection entered and overruled.

(Commonwealth Exhibit No. 54, marked for identification)

Q. I show you Commonwealth Exhibit No. 54, and ask you what that is, if you know.

A. This is a magazine entitled "Political Affairs," May 1950, containing reports to the Plenary Meeting of the National Committee of the Communist Party, U.S.A., in March, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 50.

(Exhibit shown to defendant)

The Court: The same objection, overruled.

Q. And ask the witness to read excerpts therefrom.

A. On Page 15, an article by Gus Hall, National secretary of the Communist Party of the United States, I read: "It is the representatives of our country, the officials of the American government, who have become and are the guard-[fol. 677] ians, the saviors, and the rehabilitators of Nazi butchers, fascist murders, and cannibalistic generals who manufactured and used deadly, crippling bacteria as a weapon against civilians, women and children."

Mr. Nelson: Isn't that true? General Eisenhower wants to organize a German Army now.

The Court: You may cross examine the witness at the proper time.

Mr. Nelson: They want to use the Nazis now.

The Court: You may cross examine him on that point or anything else concerning this bulletin at the proper time.

Mr. Nelson: What is the point of reading it this way, Your Honor?

The Court: You can elaborate on it or point out anything else in the argument, if you wish.

[fol. 678] A. (continued) On page 27: "We must avoid and do everything in our power to make sure, that we will not be put into a situation where Communists vote for resolutions that condemn the Soviet Union. Under all circumstances we must make it crystal clear that we do not agree with any notions or ideas which are embodied in 'the plague on both your houses' demagogy." On page 46: "Then, too, there is a deep-rooted vice of relying on resolutions, on telegrams and letters as a decisive form of struggle. Important as these are, you can't stop the warmongers and fascists with a front of paper, of resolutions. Resolutions have a real significance, but they are no substitute for mass action." On Page 56: "Let us be clear: A People's Front government, to realize its anti-war and anti-fascist aims, would have to curb the powers of monopoly capital. Such a government can be established, generally speaking, only under a number of conditions, which must include the following prerequisites: First, the existence of a political crisis in the country. Second, the existence of militant unity of action of decisive sections of the working class, leading a broad people's coalition and waging a

resolute extra-parliamentary struggle. Third, a situation in which the Communist Party plays a leading role in this labor and people's coalition." Page 57: "To assure victory, to help establish a People's Democracy, it is necessary that the Communist Party must be, not only a leading [fol. 679] and influential factor, but that the working class must fight the leadership of the Communist Party, the Party exercising not 'a' but 'the' leading role."

(Commonwealth Exhibit No. 55, marked for identification).

Q. I show you Commonwealth Exhibit No. 55 and ask you what that is?

A. It is a book entitled, "The United Front" by George Dimitroff, general secretary, Communist International, printed by the International Publishers in New York, copyrighted in 1938, which I obtained from the Headquarters of the Communist party in Pittsburgh on August 31, 1950.

(Exhibit shown to defendant)

Mr. Nelson: The sub-title of that "Problems of Working-Class Unity and the People's Front in the Struggle Against Fascism and War." This speech was made in 1935 as an appeal to the people of the democratic countries to stop Hitler and Mussolini.

[fol. 680] The Court: Cross examine the witness later. If that is on the cover and you want it noted—

Mr. Nelson: That is on the cover, Your Honor.

Mr. Lewis: Nothing about Mussolini on this cover.

The Court: Read the full cover into the record.

Mr. Lewis: If the court please, the frontis-piece of this Exhibit reads as follows: "The United Front Problems of Working-Class Unity and the People's Front in the Struggle Against Fascism and War." by George Dimitroff, general secretary of the Communist International.

Q. I would ask the witness to read Commonwealth Exhibit No. 55 which we offer in evidence, excerpts from it.

The Court: Objection to it overruled. Read the excerpts [fol. 681] cerpts.

A. On Page 123 at the bottom of the page going over to the top of page 124: "Comrades, we Communists are

people of action. Ours is the problem of practical struggle against the offensive of capital, against fascism and the threat of imperialist war, the struggle for the overthrow of capitalism. It is precisely this practical task that obliges Communist cadres to equip themselves with revolutionary theory. For, as Stalin, that greatest master of revolutionary action, has taught us, theory gives those engaged in practical work the power of orientation, clarity of vision, assurance in work, belief in the triumph of our case. But real revolutionary theory is irreconcilably hostile to all emasculated theorizing, all barren play with abstract definitions. Our theory is not a dogma, but a guide to action, Lenin used to say. It is such a theory that our cadres need, and they need it as badly as they need their daily bread, as they need air or water." At the bottom of the page: "All sections of the Communist International must without any dilly-dallying seriously take up the question of the proper organization of Party schools, in order to turn them into smithies where these fighting cadres are forged."

[fol. 682] (Commonwealth Exhibit No. 56, marked for identification)

Q. I show you Commonwealth Exhibit No. 56 and ask you if you know what that is?

A. That is a booklet entitled, "Left-Wing Communism, and Infantile Disorder" by V. I. Lenin, published by the International Publishers in New York. In 1940 this edition was copyrighted.

Q. Who was V. I. Lenin?

A. He was the founder of the Russian Soviet State, became its first dictator and the leader of the International Revolutionary Movement.

(Exhibit shown to the defendant)

Mr. Nelson: Let the record show it was published first in 1920. I don't know what it had to do with 1951 or 1950 or 1952, in Pittsburgh, Pennsylvania.

The Court: We will note the date of publication.

Mr. Lewis: It shows it was copyrighted in 1940 by the International Publishers, Incorporated. We offer in evidence Commonwealth Exhibit No. 56.

[fol. 683] Q. And ask the witness to read excerpts therefrom.

A. On Page 37: "You must be capable of every sacrifice, of overcoming the greatest obstacles in order to carry on agitation and propaganda systematically, perseveringly, persistently and patiently precisely in those institutions, societies and associations—even the most reactionary—in which proletarian or semi-proletarian masses are to be found." On Page 38: "We must be able to withstand all this, to agree to any sacrifice, and even—if need be—to resort to all sorts of stratagems, artifices, illegal methods, to evasions and subterfuges, only so as to get into the trade unions, to remain in them, and to carry on Communist work within them at all costs."

(Commonwealth Exhibit No. 57, marked for identification).

Q. I show you Commonwealth Exhibit No. 57 and ask you if you ever saw that before?

A. Yes, that is "Volume VIII, Selected Works of Lenin". I saw it in the Communist Headquarters on August 31, 1950.

(Exhibit shown to the defendant)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 57.

[fol. 684] Q. And ask the witness to read therefrom.

A. At the top of page 297: "As long as Capitalism and socialism exist, we cannot live in peace: in the end, one or the other will triumph—a funeral dirge will be sung either over the Soviet Republic or over world capitalism."

(Commonwealth Exhibit No. 58, marked for identification).

Q. I show you Commonwealth Exhibit No. 58 and ask you what that is, if you know?

A. That is a booklet entitled "Problems of Leninism" by Joseph Stalin published by the International Publishers in New York, copyrighted 1934, obtained by me on July 19, 1950 in the Communist Headquarters in Pittsburgh.

(Exhibit shown to the defendant)

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 58.

Q. And ask the witness to read excerpts therefrom.

The Court: Same objection, overruled.

[fol. 685] A. On page 14 I read: "We stand for uninterrupted revolution (My italics.—J.S.), we will not halt half way . . . Without falling into adventurism, without betraying our scientific conscience, without chasing after cheap popularity, we can and do say one thing: we will exert every effort to help *to* whole of the peasantry to make the democratic revolution in order that it may be easier for us, the party of the proletariat, to pass over as quickly as possible to the new and higher tasks, viz., the socialist revolution." On page 20, I read: "That is why Lenin states that ' . . . the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class.'"

(Commonwealth Exhibit No. 59, marked for identification, and shown to defendant)

Q. I show you Commonwealth Exhibit No. 59 and ask you what that is, if you know?

A. This is a pamphlet entitled "Murder inc. in Greece" by Olive Suttan, published by the New Century Publishers in New York in April, 1948, which I obtained at the Communist Headquarters in Pittsburgh on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 59.

[fol. 686] Q. And ask the witness to read excerpts therefrom?

A. On Page 4: "Not a single Greek mother is taken from her children and exiled to the islands without the knowledge and consent of American officials in Greece. Not a single Greek youth, acclaimed for his deeds in the Resistance, is shot without the consent of Dwight Griswold, head of the American Mission in Athens. Not a single dawn is broken by the clump of heavy boots outside the door without the approval of President Truman's representatives in Greece."

Mr. Lewis: Instead of having slanted excerpts read let the jurors look at it.

Mr. Cercone: So it will be perfectly clear in the minds of the jury since this defendant has made reference to the books being lined or marked, they ought to know in January of 1950 a trial was started against this defendant in which he was charged with sedition and it had proceeded for a period of five months and then he became injured in an automobile accident so that the case had to [fol. 687] be discontinued and started over again. That is the reason for these markings and probably the confusion of Mr. Lewis because there are several exhibit markings on the outside.

The Court: I think we understand that.

(Commonwealth Exhibit No. 61, marked for identification)

The Court: These have been used in former trials.

Mr. Lewis: Yes.

Q. I show you commonwealth Exhibit No. 61 and ask you if you know what that is?

A. It is a pamphlet entitled "In Defense of the Communist Party and the Indicted Leaders" by William Z. Foster, who is the national chairman of the Communist Party.

Q. Did you ever see that before?

A. Yes. I obtained this from Dolsen in the Communist Headquarters on July 19, 1950.

[fol. 688] Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 61.

Q. And ask the witness to read excerpts therefrom.

A. On Page 35: "The political line of the world Communist movement, as championed by Lenin, especially in the Russian Revolution, was profoundly correct. We defend and support it in every sense." On Page 68: "An American-Soviet war, which could only come as the supreme expression of American aggression, would be a thoroughly hated war. Obviously throughout the capitalist world the Communists would oppose such a war and so would the overwhelming masses of the people. In the fact of that new war provocation, the North Atlantic Pact, the

French and Italian Communist Parties have clearly stated their determination not to fight against the U.S.S.R. Our American Party has done likewise." On Page 96: "The people's right of revolution cannot be denied. If a peaceful path to Socialism is open to the people that is the road they will always take. But if capitalist reaction and violence forces them to fight for Socialism, then fight they will, and as history shows, successfully."

(Commonwealth Exhibit No. 60, marked for identification and shown to the defendant)

[fol. 689] Q. I show you Commonwealth Exhibit No. 60 and ask you if you know what that is?

A. That is a pamphlet entitled "A Letter to American Workers" by V. I. Lenin, copyrighted in 1934 by the International Publishers.

Q. Did you ever see that pamphlet before?

A. I obtained this from Dolsen in the Communist Headquarters in Pittsburgh on July 19, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 60.

Q. And ask the witness to read excerpts therefrom.

A. On Page 21: "When we speak of the overthrow of the bourgeoisie, only traitors or idiots will seek to concede to the bourgeoisie formal equality of rights. The 'freedom of assembly' for workers and peasants is not worth a cent when the best buildings are in the hands of the bourgeoisie. Our soviets took away all the good buildings from the rich both in town and country and turned over all these buildings to the workers and peasants for their unions and meetings. That is our freedom of assembly—for the toilers. That is the idea and content of our Soviet, Socialist Constitution.' "

Mr. Nelson: What is the meaning of that statement there? [fol. 690] It merely states a fact in the Soviet Union the workers took away the big banks and buildings and the industries from the rich and they are operating for themselves. What is the point of raising that question?

The Court: It is a matter of argument, Mr. Nelson. You can argue to the jury it has no significance; they will argue that it does.

Mr. Nelson: I think the prosecution is going batty by now.

The Court: Commonwealth Exhibit 60 is offered in evidence and the objection to it is overruled.

Mr. Cercone: I think it is useless to object to this defendant's outburst and outcries, but there is not much we can do about it.

The Court: He is without counsel and attempts to argue [fol. 691] the various points as they arrive rather than limit himself to argument generally at the end, and I will instruct him accordingly as the occasion requires.

(Commonwealth Exhibit No. 62, marked for identification and shown to defendant)

Recess

After recess

Judge Musmanno, resumes the stand.

Q. I show you Commonwealth Exhibit No. 62 and ask you if you ever saw that before?

A. Yes, I did. I saw this in the Communist Headquarters in Pittsburgh on August 31, 1950, entitled "On the Eve of October" by V. I. Lenin.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 62.

Q. And ask the witness to read excerpts therefrom? [fol. 692] The Court: Exception noted, overruled.

A. Just one sentence. "There is no doubt that the beginning of October has brought us to the greatest turning point in the history of the Russian and, according to all appearance, also of the world revolution."

(Commonwealth Exhibit No. 63, marked for identification)

Q. I show you Commonwealth Exhibit No. 63 and ask you if you know what that is?

A. This is a pamphlet entitled "Marxism-Leninism vs Revisionism," in a compilation of articles by William Z. Foster, Jacques Duclos, Eugene Dennis, and John Williamson, published by the New Century Publishers in 1946,

obtained in the Communist Headquarters in Pittsburgh on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 63.

Q. And ask the witness to read excerpts to the jury.

A. On Page 110: "We have got to mobilize our Party. We cannot stand for passivity in our ranks. We have to bring this matter home to our comrades by an intensive [fol. 693] ideological campaign, by a systematic mobilization of our membership for the big tasks confronting us. We must get our whole Party into action. Overcoming passivity in the Party is one of the most fundamental things that we have to do at the present time.

A third basic necessity for us is to recruit more members especially basic workers into the Party. We must take this job in hand as never before. We have said this many times in the history of our Party, but we have got to do it a new way now. All over the world the Communist Parties are growing, and we must grow too."

(Commonwealth Exhibit No. 64, marked for identification)

Q. I show you Commonwealth Exhibit No. 64 and ask you if you have ever seen that bundle before?

A. This is a bundle of pamphlets similar to the one I just read from, and I saw them in the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 64 which bundle of pamphlets are duplicates of Commonwealth Exhibit No. 63.

[fol. 694] The Court: Same objection, overruled, offer received.

(Commonwealth Exhibit No. 65, marked for identification.)

Q. I show you Commonwealth Exhibit No. 65 and ask you whether you saw that before?

A. This is a magazine which I have seen before in the Communist Headquarters in Pittsburgh on August 31, 1950. It is entitled "New Times", a weekly journal published by the newspaper Trud in Moscow.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 65.

Q. And ask the witness to read excerpts?

Mr. Nelson: Got an extra copy?

Mr. Lewis: No, I don't think we have that edition.

A. No. 1 on page 5: "The Communist and Workers' Parties of all lands honour Stalin as the great leader of the [fol. 695] world's working class, the leader of the international revolutionary movement."

Mr. Nelson: What is the date of that?

Mr. Lewis: No. 1 of 1950, no actual date on it.

If the Court please, we have seven books here all of which are mentioned in the indictment, all of which have been identified and offered into evidence. Now, we have a few excerpts from each one of these books and that is the only books then we are going to read any excerpts from. Unless we forgot maybe one that might be laying here.

The Court: There are nine books mentioned in the indictment.

Mr. Lewis: We have seven books mentioned here: "Foundations of Leninism", "Dictatorship of the Proletariat", "History of the Communist Party of the Soviet Union," "State and Revolution", "Twilight of World Capitalism," [fol. 696] and "Stalin is Leading Us to the Victory of Communism."

The Court: Then there are three that you do not have.

Mr. Lewis: Three that we are not going to read from.

The Court: "Communist Manifesto" you have read from and has been offered.

Mr. Lewis: Yes.

The Court: "Communist Party in Action."

Mr. Lewis: No.

The Court: "Stalin's Speeches."

Mr. Lewis: No, we didn't offer that.

Mr. Nelson: Haven't these books and pamphlets been referred to and read from? It appears to me that they have been.

[fol. 697] The Court: I will have to check that and see.

Mr. Nelson: What is the idea of reading them again?

The Court: Well, there will be no repetition.

Mr. Lewis: There will be no repetition.

Mr. Nelson: You are going to do it now in sort of a whole-sale manner.

Mr. Lewis: No, it is just collected together.

Mr. Nelson: That is a new one.

Q. Exhibit No. 19—

A. In the "Twilight of World Capitalism," I read from the dedication page. This book is by William Z. Foster. On the Dedication page appear the following: "To My Great-Grandson Joseph Manley Kolko Who Will Live in a Communist United States." On Page 21: "After Lenin died, the Soviet people were fortunate to have as their leader Joseph [fol. 698] Stalin, Lenin's co-worker, who is far and away the greatest Marxist and the most able political leader of our times. I always have to smile when the half-literate politicians and economists at the head of the government in this country declare that this great Marxist does not understand American and world conditions." On page 23, Foster says: "It was also the Red Army that, in the course of the war, doing at least 90 per cent of the fighting of the allies in Europe, smashed Hitler's forces altogether and won the war." On page 52: "The parliaments of many countries, even in capitalist lands, are much more democratic in their make-up than is the American Congress." On page 105: "The Communist Party is a fighting organization, not a talking machine."

(Commonwealth Exhibit No. 66, marked for identification.)

The Court: I understand these are excerpts other than those set forth in the indictment. You have read the ones set forth in the indictment and these are additional excerpts.

Mr. Lewis: Contained in the same books mentioned in the indictment.

[fol. 699] Q. I show you Commonwealth Exhibit No. 66 and ask you what that is?

A. These are duplicates of the book I just read from.

Q. Did you ever see those books before?

A. I did see those books before in the Communist Headquarters on August 31. There are 13 copies there.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 66.

A. This is now Exhibit 16, "Foundations of Leninism." On page 53: "Briefly: the dictatorship of the proletariat is the rule—unrestricted by law and based on force—of the proletariat over the bourgeoisie, a rule enjoying the sympathy and support of the labouring and exploited masses. From this follow two main conclusions: First conclusion: The dictatorship of the proletariat cannot be 'complete' democracy, democracy for all, for the rich as well as the poor; the dictatorship of the proletariat 'must be a state that is democratic in a new way—for the proletarians and the propertyless in general—and dictatorial in a new way—against the bourgeoisie . . .'" On page 91, same exhibit: "The revolution is spreading beyond the confines of one country; the period of world revolution has commenced." Exhibit No. 15, "The Communist Manifesto," on page 28: "The Communists are further reproached with desiring to abolish countries and nationality. The workingmen have [fol. 700] no country." Exhibit No. 21: "History of the Communist Party of the Soviet Union"—

Mr. Nelson: Are they going back into the same exhibit already introduced.

The Court: They are not offering these. They are merely reading additional excerpts from these exhibits already offered, not read as part of the indictment. They are in the same category as the other literature which has been referred to.

A. (continued) On page 81: "Speaking at a meeting of workers in Tiflis on the day the tsar's Manifesto was announced, Comrade Stalin said: 'What do we need in order to really win? We need three things: first—arms, second—arms and arms again!'" Again on page 168: "Lenin always taught that without a revolution of the working class capitalism cannot be overthrown. Therefore, while defining imperialism as moribund capitalism, Lenin at the same time showed that 'imperialism is the eve of the social revolution of the proletariat.'" On page 231: "In March 1919, on the initiative of the Bolsheviks, headed by Lenin, the First Congress of the Communist Parties of various countries, held

[fol. 701] in Moscow, founded the Communist International. Although many of the delegates were prevented by the blockade and imperialist persecution from arriving in Moscow, the most important countries of Europe and America were represented at this First Congress. The work of the congress was guided by Lenin. Thus was founded an international revolutionary proletarian organization of a new type—the Communist International—the Marxist-Leninist International.” On page 354: “Hence the necessity for a new party, a militant party, a revolutionary party, one bold enough to lead the proletarians in the struggle for power, sufficiently experienced to find its bearings amidst the complex conditions of a revolutionary situation, and sufficiently flexible to steer clear of all submerged rocks in the path to its goal. Without such a party it is useless even to think of overthrowing imperialism and achieving the dictatorship of the proletariat. This new party is the party of Leninism,” by Joseph Stalin. On Page 356: “The Marxist-Leninist theory is not a dogma but a guide to action.” On page 363: “What does the history of the C.P.S.U. (B) teach us? (1) The history of the Party teaches us, first of all, that the victory of the proletarian revolution, the victory of the dictatorship of the proletariat, is impossible without a revolutionary party of the proletariat, a party free from opportunism, irreconcilable towards compromisers and capitulators, and revolutionary in its attitude towards the bourgeoisie and its state power.” Exhibit No. 17: “The Dictatorship of the Proletariat.” On page 24: “The machine which is called the state before which people stooped in superstitious awe, believing the old stories that it is the power of the whole people—that machine the proletariat discards, pronouncing it a bourgeois lie.” On page 49: “Can such a radical transformation of the old bourgeois system of society be achieved without a violent revolution, without the dictatorship of the proletariat? Obviously not. To think that such a revolution can be carried out peacefully with the framework of bourgeois democracy, which is adapted to the denomination of the bourgeoisie, means one of two things. It means either madness, and loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution. . . .” On page 66:

“To put it briefly: the dictatorship of the proletariat is the domination of the proletariat over the bourgeoisie, untrammelled by law and based on violence and enjoying the sympathy and support of the toiling and exploited masses.” On page 69: “The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and substitution for it of a new one.” On page 114: “Dictatorship is a big word, and big words should not be scattered to the winds. Dictatorship means an iron rule, revolutionarily bold, quick and ruthless in suppressing exploiters as well as ho-ligans.” Exhibit No. 20, “State and [fol. 703] Revolution,” on page 53: “Have these gentlemen ever seen a revolution? Revolution is undoubtedly the most authoritative thing possible. It is an act in which one section of the population imposes its will on the other by means of rifles, bayonets, cannon, i.e., by highly authoritative means, and the victorious party is inevitably forced to maintain its supremacy by means of that fear which its arms inspire in the reactionaries. Would the Paris Commune have lasted a single day had it not relied on the authority of the armed people against the bourgeoisie?”

Mr. Lewis: We have some other books here merely for identification and offer in evidence without any reading.

Mr. Nelson: Why don't the prosecution put it on a scale, that would be the way to do it; do it by the pound. What is the difference what's in them?

The Court: They are there for your use. If they don't wish to direct particular attention to it, you may do so.

Q. Will you identify these?
[fol. 704] (Commonwealth Exhibit No. 67, marked for identification)

A. “Ideas They Cannot Jail” by Eugene Dennis. All of these were obtained in the Communist Headquarters August 31, 1950.

(Commonwealth Exhibit No. 68, marked for identification)

A. “What is Leninism?” Obtained on July 19th, 1950.

(Commonwealth Exhibit No. 69, marked for identification)

A. "Religion" by Lenin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 70, marked for identification)

A. "Marxism and Revisionism" by Lenin and Stalin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 71, marked for identification)

[fol. 705] A. "Women and Society" by Lenin, obtained July 19th, 1950.

(Commonwealth Exhibit No. 72, marked for identification)

Mr. Nelson: I can't keep up with that. Will Mr. Lewis announce the number of it?

The Court: May I suggest this, that you keep them on the Bar of the Court, number them, and as soon as we recess you may have the liberty of making note of the number and name.

A. "Joseph Stalin, A Political Biography", obtained July 19th, 1950.

(Commonwealth Exhibit No. 73, marked for identification)

A. "Theory of the Proletarian Revolution", obtained July 19th, 1950.

(Commonwealth Exhibit No. 74, marked for identification)

[fol. 706] A. "Political Economy", obtained August 31, 1950.

(Commonwealth Exhibit No. 75, marked for identification)

A. "Yankee Imperialism in Spain", August 31, 1950.

(Commonwealth Exhibit No. 76, marked for identification)

A. "Socialism, Utopian and Scientific", July 19, 1950.

(Commonwealth Exhibit No. 77, marked for identification)

A. "Atomic Energy and Society", August 31, 1950.

(Commonwealth Exhibit No. 78, marked for identification)

A. "Marx and the Trade Unions", August 31, 1950.

(Commonwealth Exhibit No. 79, marked for identification)

[fol. 707] A. "Marxism and the National Question" by Joseph Stalin, August 31, 1950.

(Commonwealth Exhibit No. 80, marked for identification)

A. "Wage-Labour and Capital", by Karl Marx, August 31, 1950.

(Commonwealth Exhibit No. 81, marked for identification)

A. "The Reports of the Plenary Meeting National Committee, C.P.U.S.A." August 31, 1950.

(Commonwealth Exhibit No. 82, marked for identification)

A. "Volume IX of the Selected Works of Lenin", August 31, 1950.

(Commonwealth Exhibit No. 83, marked for identification)

A. "What is to be Done?" by Lenin, July 19, 1950.

[fol. 708] (Commonwealth Exhibit No. 84, marked for identification)

A. "America at the Crossroads" by William Z. Foster, July 19th, 1950.

(Commonwealth Exhibit No. 85, marked for identification)

A. "Value, Price and Profit" by Karl Marx, July 19th, 1950.

(Commonwealth Exhibit No. 86, marked for identification)

A. "Political Affairs of June, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 87, marked for identification)

A. "Capitalism and Progress", obtained August 31, 1950.

(Commonwealth Exhibit No. 88, marked for identification)

A. "The Nature of Capitalism", August 31, 1950.

[fol. 709] (Commonwealth Exhibit No. 89, marked for identification)

A. "Marxism and Revisionism", August 31, 1950.

(Commonwealth Exhibit No. 90, marked for identification)

A. "Political Affairs for July, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 91, marked for identification)

A. "Letters from Afar", by V.I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 92, marked for identification)

A. "The Threatening Catastrophe and How to Fight It", by V.I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 93, marked for identification)

A. "Art and Literature", by Mae Tse-Tung, August 31, 1950.

[fol. 710] (Commonwealth Exhibit No. 94, marked for identification)

A. "Imperialism" by V. I. Lenin, August 31, 1950.

(Commonwealth Exhibit No. 95, marked for identification)

A. "What is Marxism?", August 31.

(Commonwealth Exhibit No. 96, marked for identification)

A. "Constitution of the U.S.S.R.," August 31.

(Commonwealth Exhibit No. 97, marked for identification)

A. "Benjamin Rush Bulletin for Summer, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 98, marked for identification)

A. "Political Affairs for August, 1950", obtained August 31, 1950.

[fol. 711] (Commonwealth Exhibit No. 99, marked for identification)

A. "Political Affairs for February, 1950," obtained August 31, 1950.

(Commonwealth Exhibit No. 100, marked for identification)

A. Magazine entitled "People's China", August 31, 1950.

(Commonwealth Exhibit No. 101, marked for identification)

A. Magazine entitled "New Times, No. 16, 1950", obtained July 19, 1950.

(Commonwealth Exhibit No. 102, marked for identification)

A. "New Times, No. 13, 1950", obtained August 31, 1950.

(Commonwealth Exhibit No. 103, marked for identification)

A. "From Socialism to Communism in the Soviet [fol. 712] Union", by Joseph Stalin, August 31, 1950.

(Commonwealth Exhibit No. 104, marked for identification)

A. "Soviet Democracy and Bourgeois Democracy", August 31, 1950.

(Commonwealth Exhibit No. 105, marked for identification)

A. "The Theory and Practice of the Communist Party", July 19, 1950.

(Commonwealth Exhibit No. 106, marked for identification)

A. "Two Tactics of Social-Democracy in the Democratic Revolution", August 31.

(Commonwealth Exhibit No. 107, marked for identification)

A. "The War and the Second International", by Lenin, August 31.

(Commonwealth Exhibit No. 108, marked for identification)

[fol. 713] A. "War and the Workers" by Lenin, August 31.

(Commonwealth Exhibit No. 109, marked for identification)

A. "The Teachings of Karl Marx" by Lenin, August 31.

(Commonwealth Exhibit No. 110, marked for identification)

A. "The April Conference", by Lenin, August 31.

(Commonwealth Exhibit No. 111, marked for identification)

A. "The Tasks of The Proletariat in Our Revolution", by Lenin, August 31.

(Commonwealth Exhibit No. 112, marked for identification)

A. "Hints on How to Organize Open-Air Meetings" issued by National Education Department, Communist Party of the United States, August 31, 1950.

[fol. 714] (Commonwealth Exhibit No. 113, marked for identification.)

A. "New Times, issue No. 19, 1950," obtained August 31, 1950.

(Commonwealth Exhibit No. 114, marked for identification.)

A. Magazine entitled "People's China" issued July 16, 1950, obtained August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibits No. 67 to 114, inclusive.

The Court: They will be received subject to the same objection that has been interposed in the evidence, and it is overruled.

(No. 115 inadvertently skipped.)

(Commonwealth Exhibit No. 116, marked for identification.)

Q. I show you Commonwealth Exhibit No. 116, and ask [fol. 715] you if you know what that is?

A. That is a bundle of the "Political Affairs for February, 1950", 21 copies, observed by me at the Communist Headquarters on August 31, 1950.

Q. Are they duplicate copies of Exhibit No. 108?

A. Yes, they are duplicates of Exhibit 108.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 116.

The Court: Received subject to the same objection.

(Commonwealth Exhibits Nos. 117 to 123, inclusive, marked for identification, shown to defendant.)

Q. I show you Commonwealth Exhibit No. 117, and ask you if you know what that is?

A. It is a note book containing items with reference to literature sold in the Communist Headquarters in Pittsburgh.

Q. Did you ever see that exhibit before?

A. Yes, in the Headquarters of the Communist Party, August 31, 1950.

Q. I show you Commonwealth Exhibit No. 118, and ask you what that is?

[fol. 716] A. It is a similar note book and seen at the same time as the preceding exhibit.

By the Court:

Q. Does it bear any dates?

A. The first one, Exhibit No. 117, indicates on the frontispiece "To July 12th, 1950." Then there are dates on the various pages and sheets with items.

By Mr. Lewis:

Q. I show you Commonwealth Exhibit No. 118. See if there are any dates on that exhibit.

A. Exhibit No. 118 carries dates, November 3rd, November 4th, November 17th, and other dates. The year does not appear.

Mr. Nelson: What is the mystery about those receipt books?

The Court: What is the offer?

Mr. Lewis: The offer is the receipt books show that literature was sold from the Headquarters, and some of the very literature introduced in evidence, the names appear in these [fol. 717] receipt books. The offer is to show they were selling literature out of the Headquarters in the Bakewell Building.

Mr. Nelson: Did I sell them? Is that the offer? Is that the proof?

Mr. Lewis: The offer is to show they operated a book store there and we will follow that up to show the defendant's connection with that book store.

A. (continued) Exhibit No. 119 is a note book similar to the two previous exhibits. It also has many items indicating the sale of pieces of literature, and many of these items show titles which have been introduced in evidence here.

Mr. Nelson: Is it a crime to sell literature in this country now? Is that what we are going to try here?

The Court: It is not a crime.

Mr. Nelson: What are they doing here, two judges fool-[fol. 718] ing around with a couple of little receipt books here in front of this jury?

The Court: We will rule on its admissibility. If you want to object to it why do so when it is offered.

Mr. Nelson: I think this is perfectly ridiculous this should be brought in in this manner.

The Court: We will note your objection to it if it is offered into evidence. It is merely being identified at this stage.

A. (continued) One item on January 20, 1950, shows that on that day three copies of the "Communist Manifesto" were sold, one copy of "Foundations of Leninism," and several other items.

Mr. Nelson: I dare say, Your Honor, that three million copies of that book have been sold in a hundred years in [fol. 719] this country, and I don't know how I could be held responsible for that.

The Court: You won't be, maybe you will. I am not prepared to answer your question at this time. That is your contention. If there was nothing involved in your actions—if they were your actions—that has to be established I presume. But we will not argue that point at this time. We are only ruling on the admissibility of the evidence and if it is offered we will overrule your objection and permit it to be received.

Mr. Lewis: We offer in evidence Commonwealth Exhibits No. 117, 118, and 119.

The Court: Objection noted to it, objection overruled.

(Commonwealth Exhibits Nos. 124, 125, and 126, marked for identification, and shown to defendant.)

[fol. 720] Q. I show you Commonwealth Exhibit No. 120, and ask you what that is, if you know?

A. It is a cash book which I saw in the Communist Headquarters on August 31, 1950.

Q. Are there any dates in that book?

A. The first date is November 1, 1949, the last date is 3 slant 10 without the year indicated—presumably 1950.

Q. I show you Commonwealth Exhibit No. 121 and ask you if you know what that is?

A. That is the same kind of a book. The first date is 3 slant 10 with the year omitted, and the last date is 6 slant 21.

Q. I show you Commonwealth Exhibit No. 122 and ask you if you know what that is?

A. It is the same kind of a book. First date is 9 slant 20, the last date is 12-30 and there appears in the last item "closed for 1949." That apparently refers to 1949.

Q. I show you Commonwealth Exhibit No. 123 and ask you if you know what that is?

A. Same kind of a book. First date is 6-21, no year indicated, last date 9 slant 15.

Q. I show you Commonwealth Exhibit No. 124 and ask you if you know what that is?

A. That is the same kind of a book. First item says received from C. P. S. U. S. A., Communist Party, U. S. A., July 21, without the year indicated, last date is August 28th. [fol. 721] Q. Is there any year on the outside of the cover?

A. Yes, on the outside of the cover there is a penciled notation "1950".

Q. I show you Commonwealth Exhibit No. 125 and ask you what that is?

A. That is the same kind of a book and it carries on the outside the notation "1950".

Q. Show you Commonwealth Exhibit No. 126 and ask you if you know what that is?

A. Same kind of a book with the notation "1950" on the outside.

Q. Did you ever see Exhibits 120, 121, 122, 123, 124, 125, and 126 before?

A. Yes, I saw them all in the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibits 120 to 126, inclusive.

The Court: Note an objection to them. Objection overruled and received.

(Commonwealth Exhibit No. 127, marked for identification and shown to defendant.)

Mr. Nelson: Your Honor, what am I expected to do with [fol. 722] this. I couldn't know what this is by this cursory fast examination.

The Court: What is the offer of proof?

Mr. Lewis: We are going to prove by that letter file, apparently it is a letter file and its contents, that the local organization of the Communist Party is buying and selling literature, what kind of literature they were buying, what kind they were selling, and the names of the various books and pamphlets they were buying and selling, and the dates on which they bought and sold these pamphlets and books.

Mr. Nelson: So far as I can see it is a record of the Daily Worker and the Worker, and its circulation items. They were not handled by me. And furthermore, what is wrong in keeping a record of the circulation of a newspaper, whose [fol. 723] got to pay some bills, and so forth. I don't understand it. I don't know my legal rights here, and I don't know what is being put over by the prosecution here. It is some kind of effort to just drive the dagger in my heart without any adequate defense, and doing it wholesale.

The Court: We will note an objection on your part to it.

Mr. Nelson: I take no responsibility what is in there. I don't know what it is. I can't examine it in this short time.

Mr. Cercone: The defendant has stated many times now that he has had no counsel. I want to point out for the record that in the last case he had an attorney and fired him after two days.

The Court: We will strike your remarks from the record, Mr. Cercone.

[fol. 724] Mr. Nelson: Mr. Cercone plays the same record every time he gets up. You would think an attorney would know how to make a new argument once in a while.

Mr. Cercone: That is an important argument.

The Court: Will you gentlemen sit down, please, or are we going to recess again until you cool off, both of you.

Mr. Nelson: Will you permit, Your Honor, me to make this . . .

The Court: Not at this time. I rule you out of order, Mr. Nelson. I have ordered the remarks of Mr. Cercone stricken from the record, and I will instruct the jury to disregard them.

Q. I show you Commonwealth Exhibit No. 127, and ask you what that is, if you know?

A. This is a letter file which was on the desk of Dolsen. [fol. 725] Mr. Nelson: Dolsen was tried, he had his trial, what has this got to do with me?

The Court: We will determine that. This was a letter file that was found on the desk of Dolsen. Go ahead.

A. (Continued:) In the Communist Headquarters in the Bakewell Building on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 127.

The Court: Same objection noted. Objection overruled.

(Commonwealth Exhibit No. 128, marked for identification.)

Q. I show you Commonwealth Exhibit No. 128 and ask you if you know what that is?

A. Yes, I do.

Q. What is it?

A. It is a bundle of books entitled "The Soviet Spirit", the story of the incentives behind the victories of the peoples [fol. 726] of the Soviet Union in the war, in the battle of production on the farms, and the building of a new way of living together, by Harry F. Ward.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 128.

The Court: Same objection. Objection overruled.

Mr. Nelson: May I look at that a minute?

The Court: Yes.

(Commonwealth Exhibit No. 129, marked for identification.)

Mr. Nelson: Are they going to quote from this too?

The Court: I thought you might want to note the copyright date or date of publication.

[fol. 727] Mr. Nelson: This is a pamphlet dealing with the subject of the Soviet Union, our ally during the last war by Professor Harry F. Ward. And if they are going to do anything with it, I would like to see a copy given to every juror.

The Court: Possibly that can be arranged.

Mr. Nelson: Instead of tying them up like this in a box and taking them out in a bale somewhere so they could be scrap paper. I think that is no way to apply this issue.

Q. I show you Commonwealth Exhibit No. 129, and ask you what that is, if you know?

A. This is a bundle of pamphlets entitled "Soviet Democracy" by Harry F. Ward.

Q. Did you ever see those pamphlets before?

A. Yes, in the Communist Headquarters in the Bakewell Building, Pittsburgh, August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 129.

[fol. 728] (Copy shown to defendant.)

Mr. Nelson: Renew my request.

The Court: Request is refused. Objection overruled.

(Commonwealth Exhibit No. 130, marked for identification.)

Q. I show you Commonwealth Exhibit No. 130 consisting of two bundles of books, and ask you if you know what that exhibit is?

A. This is the biography of Joseph Stalin, and these two bundles are in addition to the large bundle I identified yesterday.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 130 consisting of two bundles of books of the biography of Joseph Stalin.

The Court: Same objection. Objection overruled.

(Commonwealth Exhibit No. 131, marked for identification, and shown to defendant.)

Q. I show you Commonwealth Exhibit No. 131 and ask you if you know what that is?

A. This is a bundle of booklets entitled "Thirty-one Years of the Union of Soviet Socialist Republics" by V. M. Molotov.

Q. Did you ever see those bundles before?

A. I did. On August 31, 1950 in the Communist Headquarters.

Mr. Lewis: We offer in evidence Commonwealth Exhibit 131.

The Court: Objection noted. Objection overruled.

(Commonwealth Exhibit No. 132, marked for identification.)

Q. I show you Commonwealth Exhibit No. 132 and ask you if you know what that is?

A. This is a pamphlet entitled "The Case for the Communist Party" by Eugene Dennis, general secretary of the Communist Party of the United States.

Q. Did you ever see that bundle before?

[fol. 730] A. In the Communist Headquarters in the Bakewell Building.

Q. When did you see them in the Bakewell Building?

A. August 31, 1950. Many of these I also saw July 19th. I saw them more particularly on August 31, 1950 when I had a greater opportunity to examine the contents of the headquarters.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 132.

The Court: Same objection entered. Objection overruled.

(Commonwealth Exhibit No. 133, marked for identification.)

Q. I show you Commonwealth Exhibit No. 133 and ask you if you ever saw that before?

A. Yes, this is a bundle of books entitled "Left Wing Communism and Infantile Disorder" by V. I. Lenin.

Q. Did you ever see that exhibit before?

A. Yes, in the Communist Headquarters when I visited there, particularly on August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 133.

[fol. 731] (Copy given to defendant.)

The Court: Same objection entered. Objection overruled.

(Commonwealth Exhibit No. 134, marked for identification, and shown to defendant.)

Q. I show you Commonwealth Exhibit No. 134, and ask you if you know what that is.

A. Four pamphlets entitled "Joseph Stalin, V. M. Molotov, the Soviet Union and World Peace." I saw these in the headquarters of the Communist Party in the Bakewell Building, August 31, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 134.

The Court: Same objection to it.

(Copy given to defendant.)

(Commonwealth Exhibit No. 135, marked for identification.)

[fol. 732] Q. I show you Commonwealth Exhibit No. 135, and ask you if you ever saw that before?

A. Yes, this is the bundle of pamphlets entitled "Cold War in the Class Room" by Samuel Sillen. Saw that in the Headquarters of the Communist Party in August, 1950.

Mr. Lewis: We offer in evidence Commonwealth Exhibit No. 135.

The Court: Same objection. Objection overruled.

(Commonwealth Exhibits 136, 137, and 138, marked for identification.)

Q. I show you Commonwealth Exhibit No. 136, and ask you if you know what that is?

A. This large bundle, two stacks, the title of this book is "The Communist Trial, and American Crossroad", by George Marions.

Q. Did you ever see this bundle of books before?

A. I did. I saw them in the Headquarters, Bakewell Building, August 31, 1950.

Q. I show you Commonwealth Exhibit No. 137, and ask you if you ever saw that before?

A. The same book, and saw it the same place, same time.

[fol. 733] Q. Show you Commonwealth Exhibit No. 138. Did you ever see that before?

A. The same answer with regard to that bundle.

Mr. Lewis: We offer in evidence Commonwealth Exhibits 136, 137 and 138.

The Court: Same objection entered. Objection overruled.

(Copies given to defendant.)

Mr. Nelson: I would like to approach the bench.

(Side Bar.)

Mr. Nelson: I don't know my rights on this question, Your Honor. But I believe to have introduced this book that deals with the trial where others were convicted, and so forth, it seems to me carries with it the implication that is what ought to be done with me here. And I think this is [fol. 734] prejudicial and I believe it was wrong on the part of the Court to order that admitted.

The Court: I haven't ordered it admitted yet.

Mr. Nelson: The jurors have heard it, Your Honor, and I believe it is a very serious error. And I move for the withdrawal of a juror and declare a mistrial.

The Court: Your motion is refused in that respect. If you want me to eliminate that from the evidence, possibly I will consider that. In view of all the other evidence here, I think if there is any question about it, Mr. Lewis, it ought to be eliminated.

Mr. Lewis: Of course, these are books which they were distributing themselves.

The Court: If there is anything the jury could peruse [fol. 735] and get any wrong ideas about the thing, since it is surplusage and accumulative I will decide in his favor on the matter.

Mr. Nelson: Your Honor, it seems to me the introduction of all these bundles and all this accumulative stuff has the same effect. I don't know how to formulate that or object to that, but it seems to me it has the same effect as far as the prosecution was concerned, and that's why it was introduced. And it is wrong. I had no idea how far they were