

members of a particular organization, who, when they have a meeting, allow their own members to attend and keep the outsiders out?

A. That is right, except the matter of business was different.

Q. So it wasn't an underground meeting which you are trying to infer?

A. It was. I am not inferring.

Q. But the authorities knew about the meeting?

A. I said I didn't know what the authorities knew.

Q. Then, Mr. Witness, do you recall testifying before the Un-American Committee on the same question Congressman Kearney asked: "Q. Was that meeting open to the public? A. No. It was a closed meeting." You didn't call it a secret meeting?

A. Closed and secret meeting is the same thing.

Q. It doesn't mean the same thing. Did the Congressman know it was a secret meeting? And Mr. Cvetic answers: "I would say yes because old questions were raised at various times with Mr. Seibel, in charge of the library, raised by patriotic Americans, that he said as long as he was there if they wanted to use it for meetings they could do so—did you give that answer to the Un-American Committee?"

A. Yes, and may I give an answer to it.

Q. That contradicts you?

A. No. I gave that answer to that particular question. [fol. 1718] A. Yes.

The Court: It is for the jury to determine. It is a matter for the jury whether there is any variance and a subject for argument by you at the time you will be delivering your closing address to the jury.

Mr. Nelson: (To Judge Montgomery)

Q. Did I give you the page?

A. I don't believe so.

Q. 1241 and 1242, hearings before the Un-American Committee of the United States on Tuesday, February 21st, 1950.

Mr. Nelson:

Q. And that was soon after you left the Communist Party, isn't that right, when you testified before that Committee?

A. Yes, sir.

Q. When your mind was a little more fresh when you could have related this matter a little more accurate. Is that right?

A. Well, on the grounds relating to Party security, steps which the Party took.

Q. I didn't ask you that. You remember things better after the events or today's answers?

A. I presume anybody would remember a better—better a day or two afterwards.

Q. Now then, concerning the question of liquidating [fol. 1719] one-third of the population of the United States. Did you ever testify to that before the Un-American Committee?

A. No, sir.

Q. But you testified in this courtroom, didn't you?

A. Yes, sir.

Q. What did you testify to before the Un-American Committee regarding the liquidation of the population. Do you recall?

Mr. Cercone: That is objected to. It is the same series of questions.

The Court: The objection is overruled. Answer the question.

A. I do not recall what was discussed in the meeting.

Mr. Nelson:

Q. May I refresh your recollection, on page 1256 of the same report on another question before a meeting which was held at the Ukrainian Center, North Side, when the Communist Victory in China was becoming apparent, early last year. Steve Nelson said to me: "We are going to have the biggest liquidation of peoples, enemies in China since 1917."

Mr. Cercone: Read it right. Be honest about it. Since the Revolution of 1917.

The Court: Read the question.

[fol. 1720] Mr. Nelson:

Q. Do you recall making that answer before the Un-American Committee?

A. Yes, sir.

Q. And you didn't say anything about the United States with reference to the population being liquidated?

A. No, sir.

Q. You invented that since then?

A. No, sir.

Q. You are getting paid for that part of your testimony aren't you?

Mr. Cercone: I object to him shouting at the witness.

The Court: The objection is sustained.

Mr. Nelson:

Q. You see if you didn't testify so many times you would remember your testimony better.

The Court: The remark is stricken from the record.

Q. Now in this courtroom, before this jury, you testified that the Communist Party of the United States was receiving orders from Moscow. Do you recall being asked a question by the Un-American Committee on page 1216, Congressman Kearney: "Where are your orders taken from?"

A. Orders in this Country have come down from the National Board of the Communist Party of the United States." Q. "Where did they take their orders from?"

A. As I mentioned before I never attended meetings of the National Board of the Communist Party of the United States, but classes which were organized with the authority of the National Communist Party and these classes were based on the Marxist-Leninism. We were working for the National Communists." Do you remember that answer?

A. Yes, sir.

Q. And that isn't what you said in this courtroom?

A. No, sir. I testified here, and testified I attended the meetings with agents of the Communist Inter-National.

Q. Do you remember a question and answer given at that time?

A. What is the matter? You remember things better later than at the time of the argument.

Mr. Cercone: That is objected to.

The Court: The objection is sustained.

Mr. Nelson:

Q. Do you remember page 1207 of the same report, of being asked a question by Congressman McSweeney: "Where do they get their policy, Mr. Cvetic? A. I don't think I can answer that."

Q. But you answered it here, didn't you?

A. He wasn't referring to any specific policy.

Q. Did you answer it here?

A. No, sir.

[fol. 1722] Q. Two years later you remember things a little bit better?

A. Mr. Nelson, if you will read there were——

Q. I asked if you answered as recorded in the Congressional Record meeting, as read to you?

A. Yes, the excerpt you read is substantially correct.

Q. But you couldn't answer it two years ago but you could answer it today?

A. Yes, I answered it.

Q. Did you answer that question is what we want to know?

A. Yes, sir.

Q. And you gave an answer that you weren't able to give that answer truthfully at that time, didn't you?

A. We were talking of a certain policy and I couldn't remember the meeting. I put you in meetings with the Soviet agents.

Q. This witness is trying to crawl out of a hole and he knows he is in a hole.

The Court: You asked it and he explained it and said he did say it. We can't limit him entirely.

Mr. Nelson: Doesn't the record speak itself and the questions as put to him.

The Court: He answered that he made the statement.

Mr. Nelson: Which means the statement here is in conflict with the testimony.

[fol. 1723] The Court: It isn't for me to draw a conclusion. It is for you to argue before the jury.

Mr. Nelson:

Q. The other one I read from page 1216 was very specifically put: "Where do they get their orders from? And then the answer you gave: Orders in this Country come down from the National Policy Party of the Communist Party of America.

Mr. Cercone: Read the whole answer. It is part of the answer.

Mr. Nelson: When you cross examine him you can do that. He knows how to jump through the rope for you.

Mr. Nelson: That is all, your Honor.

The Court: That is all the cross examination at this time?

Mr. Nelson: Oh, perhaps the motion I had in mind of making should be made after the whole thing is completed.

The Court: Have you completed?

Mr. Nelson: Yes.

The Court: Anymore redirect?

[fol. 1724] Mr. Cercone: Yes. I want to know if he has anymore cross examination right now.

The Court: He is resting and can resume if anything is brought out on redirect. You may do that.

Mr. Cercone: I would like to have defendant's Exhibits G & P, introduced here yesterday. One is a pamphlet by Eugene Dennis.

Mr. Cercone:

Q. Now, Mr. Cvetic, there is one thing we would like to get cleared up for the record, that is, in all these cases you testified, you testified in other cases—were you subpoenaed in all of those cases?

A. Yes, sir.

Q. And you testified there concerning the work in the Communist Party?

A. Yes, sir.

Q. Now the defendant yesterday showed you an exhibit entitled Exhibit G, and it includes on that that it was pub-

lished by the Civil Rights Congress. What is the Civil Rights Congress?

A. The Civil Rights Congress is a legal and propaganda arm of the Communist Party.

Mr. Nelson: That is objected to, your Honor. It is an [fol. 1725] interpretation. I think he ought to give the function of the organization if he knows.

The Court: If you had any contract, give it so as to justify your statement.

Mr. Cercone:

Q. What is it?

A. A legal and propaganda arm of the Communist Party.

Q. How do you know that?

A. I attended meetings of the Communist Party where activities of the Party were drawn and planned.

Q. Do you know anything about the origin of that Party in Pittsburgh?

A. Yes, it was set up on the instruction of—the National Organization was set up on the instructions of the District man, Roy Hudson, and the first meeting was held at Hymie Schlessinger's office where the committee was set up.

Mr. Nelson: That's objected to, your Honor. It is too elaborate and doesn't answer the question. It is another way of saying something he didn't have a right to.

The Court overruled. Exception noted.

[fol. 1726] Mr. Cercone:

Q. In looking over the exhibit, as a member of the Party and during the time of the indictment of 1948 to 1950, what was the understanding of the members in the Party as to those exhibits?

The Court: What was the purpose of this?

Mr. Cercone:

Q. Yes. What was the purpose of this, of disseminating these pamphlets marked Exhibits G and P?

A. Well, the first pamphlet put out by the Civil Rights Congress was put out to try to pick out certain cases which

were given readily to propaganda purposes and tried to use them as a base to carry the Party Program to the Negro people. In other words, the part of the program dealing with the ultimate overthrow of the Government weren't contained in the pamphlets but these were used.

Q. The defendant here read from the Constitution of the Communist Party—do you have that copy?

The Court: What about the second one?

Mr. Cercone:

Q. What about Exhibit G?

A. This was brought out by the Party generally as propaganda material.

Q. Now then, in looking at the copy of the Constitution as referred to you by the defendant, I see that this Constitution was issued in 1945.

[fol. 1727] The Court: That is Exhibit S?

Mr. Cercone: S, your Honor.

Mr. Cercone:

Q. Were there other Constitutions of the Party through the year?

A. Yes, sir.

Q. How many?

A. That would vary and change with the changing Party lines of the Convention.

Q. And reference to the Preamble?

The Court:

Q. Who adopted the Constitution?

A. By the National Convention of the Party.

Mr. Cercone:

Q. Then we go to the preamble of the Constitution. What was the interpretation given to the members as you understood it during the period from 1948-1950?

Mr. Nelson: That is objected to, and let it speak for itself. Even if he has a different edition which he seems to have.

The Court: Be consistent on all matters. We permitted the witness to give an opinion as to the interpretation placed [fol. 1728] on these matters by Party officers and Party members according to the opinion of the witness and we will permit the same at the present time in connection as to the branch or as to the preamble of the Constitution, so you may give the interpretation placed on this preamble by members and officers of the Communist Party while you were associated with it.

A. You are referring to the Convention; of what Convention?

Mr. Cercone:

Q. 1945.

The Court: Very well, proceed.

A. The Communist Party Constitution is put out with the changing Party line.

Q. I am speaking of the preamble?

A. May I glance at the preamble?

The preamble states that the Party bases itself on the study of Marxism and Leninism and of course the other things they do leave out that Leninism and Marxism, and that is what we are learning, to overthrow capitalists by violence.

Mr. Cercone:

Q. The Communist Party upholds the achievement of the American Democracy and defends the United States Constitution and its Bill of Rights. Did they do that?

[fol. 1729] A. No, sir. On the contrary—

Mr. Nelson: That is objected to, your Honor.

The Court: Overrule the objection.

A. On the contrary we are working to set up a dictatorship in this country and work toward actually taking away the Constitution and the Bill of Rights as we know it.

Q. What was the purpose of putting this plan in the preamble?

A. Its purpose was misleading.

Mr. Nelson: That was over my objection.

A. To mislead the people and give the Party a liquidated fund.

Mr. Nelson: He is being paid and is not an expert.

The Court: He is qualified to give the teachings of the Party and to interpret the literature of the Party. He has qualified himself previously on that basis and he has interpreted the Party, the rights of the Party and we will permit him to give his interpretations and what was meant by the Party itself.

Mr. Cercone: Continue.

[fol. 1730] Q. What was the purpose of the language in the preamble?

A. The purpose was to mislead the American people into making them believe that the Party had liquidated aims.

Q. Now in the question of this defendant about the Constitution, pointing out generally where a member of the Party had a right, they had a right to expel or had a right to talk—how much influence would a member have against a leader of the Party?

A. I can give you one example in the Party in 1945, about the Marxism and Leninism and I got up at a meeting and said, and I says: "I don't see why we can't get along with the Progressive section of the Capitalism," and Joe Godfrey says: "What the hell do you mean by Progressive Capitalism?" And he gave me books to study, to see the errors of my way.

Q. The defendant attempted to bring out in your testimony before the House Un-American Committee, to see whether or not you knew of any orders that came from Moscow?

A. Yes.

Q. How do you know?

A. I attended meetings with agents of the Eastern European Countries and so testified before the meetings.

Q. And in connection with this meeting did this defendant say he attended school in Moscow?

A. Yes.

Mr. Nelson: That's objected to.

The Court: The objection is sustained.

[fol. 1731] Mr. Cercone:

Q. Did he tell you of his relationship in the International Party and in what respect?

A. He told me he attended the Lenin Institute in Moscow.

Mr. Nelson: You know that is a lie.

The Court: Strike your comment and I instruct the jury to disregard it.

Q. Now there was one thing in the preamble that had to do with the upholding of religion. What was the attitude of the Communist Party toward religion?

Mr. Nelson: That is objected to.

The Court: The objection is overruled. What was the interpretation?

A. The first thing taught in the Party was religion was the opiate of the people.

Mr. Nelson: I want to make an argument on that at side bar.

(Side bar.)

Mr. Nelson: Was the purpose, your Honor, to have students here today, religious students, brought here and was this question put directly for that purpose?

[fol. 1732] Mr. Cercone: You brought the preamble in.

The Court: I will settle the argument.

Mr. Nelson: Leave me make my point. I am not charged with anything relative to religion so far as I know and it is not in the indictment. That was not included in the indictment and is not charged against me. I say these things are being raised and the Court is permitting it only to incite the jury to deliver a verdict against me. That is the only purpose of this question, because in the preamble I read, I showed them the Party's position. It was stated people have a right to their religion used and they are being protected by the Party and this man is going to strive to distort on the basis of his prejudicial views, and he has none to, and he is being paid for it and your Honor is allowing this stuff to continue on his part and it is going to be a very serious thing in my mind and should not be allowed.

The Court: Unfortunately you ask for the privilege of reading the preamble and informed the jury of this breakdown of religion and wished the jury to take the preamble as literally as written. You opened the subject and I don't want to prejudice you in any way by elaborating. Certainly [fol. 1733] you are not indicted for Atheism. Probably it would be best not to go into it any further. I am not going to strike out anything. I will say not to discuss it any further with the jury.

In answer to your question about the school pupils present here, Mr. Cercone does not know anything about them but I do. I live in McCandless Township, and a matter of a month or six weeks ago one of the school teachers asked me if the class might come to witness the proceedings in Court and I told them they could at anytime. And they, after the teacher called the secretary to see if they could come into the Court, and they are here at my invitation. They are from the Espy School, McCandless Township, in which Township I live.

Mr. Cercone:

Q. Now, Mr. Cvetic, while you worked for the FBI in the Communist Party from 1943 to 1950, did you know or have any idea that later on movies or articles would be written?

A. No, sir.

Q. It has been brought out that you attended some lectures and you were paid?

A. Yes, sir.

[fol. 1734] Q. Did you attend any where you were not paid?

A. Yes, very much.

Q. How many?

A. I would say I was paid about 20 per cent of the time.

Q. 80 per cent of the time was at your own expense and time and sacrifice?

A. The majority of time.

Q. They made a great deal of the amount of money you made in the movies?

A. Yes.

Q. How much did they make out of the movie?

A. Frankly, I don't recall.

Mr. Nelson: When I asked that question along those lines it wasn't permitted.

The Court: Had you undertaken it on cross examination I would have prevented it. Now the D.A., the District Attorney asked it and opened it up, and you may be permitted to cross examine on it. Answer the question.

A. I don't recall.

Mr. Cercone:

Q. You don't recall?

A. No.

[fol. 1735] Mr. Cercone: That is all, your Honor.

The Court: Cross examine.

Cross-examination:

Mr. Nelson:

Q. You were asked to give an opinion here by the prosecutor on theoretical and political understanding of the Party's position on various questions and you obliged him by answering so: "Did you or did you not have a hearing known as the Nuss hearing when you were asked the question what do you know about the Party theory," and you said, "I know nothing about it, it is all a jumbled thing to me." Didn't you answer that?

A. I don't recall that particular answer. I know what I read in books.

Q. Since then you have become an expert?

A. I am not an expert.

Q. If you are not an expert how can you give an opinion on the social activities?

A. I said I simply said what was in the books, given to me by the Party after reading it and if you want it I will give it. I will read it to you.

Q. Now you stated in answer to the question that you got paid for about 20 per cent of the time you spoke at various lectures and meetings. How much did that bring in altogether, how much money?

A. I don't recall.

[fol. 1736] Q. Well, do you recall testifying that when you made your Fourth of July speech at Weirton, West Virginia, on behalf of the Weirton Steel Company, you got paid \$200. Is that an average fee you got?

Mr. Cercone: This is objected to.

The Court: Objection sustained. The witness didn't testify he appeared at the request of the Weirton Steel Company. He testified he appeared at the request of the City of Wheeling. If you want to rephrase the question you may do so.

Mr. Nelson: I am asking if they gave you a check.

The Court: Don't include it in your question. Rephrase your question, eliminating what he told us and I will permit his answer.

Mr. Nelson:

Q. How much money did you make in the course of your lectures altogether?

A. I don't recall. I know I am broke.

Mr. Nelson: Shall we make a collection to take care of you?

Mr. Cercone: That's objected to.

[fol. 1737] The Court: The objection is sustained.

Mr. Nelson: I will pass a hat for you.

The Court:

Q. Can you give us an approximation concerning the matter?

A. Your Honor, it would be impossible because I didn't keep track of the expenses.

Mr. Nelson:

Q. How much in the year 1950? You had to pay income taxes and you should know that?

Mr. Cercone: That is objected to.

The Court: Your objection is overruled.

The Court:

Q. From this source—the lectures or dissemination of the information that he learned about while a member of the Party is what we are talking about here?

A. I don't recall.

The Court: I am not permitting to inquire as to other portions of his income.

Mr. Nelson: He is making money at my expense.

The Court: I am not going to allow you sell them to his personal life.

Mr. Nelson: He is getting paid for this.

[fol. 1738] The Court: You may ask about this matter.

Mr. Nelson:

Q. How much did you make out of your Saturday Evening Post article?

A. 40 per cent of \$6,500.

Q. Did you testify at another hearing that you were paid \$12,500 for those?

A. No. You got that mixed up with the Warner Brothers.

Q. All right. I will stand corrected this time. Now we know how much you got for the Warner Brothers picture, \$12,500?

A. Yes.

Q. And \$6,500 for your articles in the Saturday Evening Post. Is that true?

A. That is right.

Mr. Cercone: He said 40 per cent of that.

Mr. Nelson: We are coming to that. Take it easy.

Mr. Nelson:

Q. You have split that amount of \$12,500 and \$6,500?

A. Yes.

Q. Who did you split it with?

A. I had contact with Harry Sherman and Jim Moore.

Q. How much did Harry Sherman get out of that?

A. 30 per cent.

[fol. 1739] Q. How much did Mr. Moore get?

A. 30 per cent.

Q. And I can't ask him the total amount he made?

The Court: The total amount he made from the use of this material?

Mr. Nelson: That is his only income. He goes around fingering people.

The Court: He is under oath and he may give statements and the jury may consider them, otherwise no.

Mr. Nelson: In this situation, your Honor, I can't proceed with this point any further. And there is no further cross examination.

The Court: You are excused, Mr. Cvetic.

Mr. Cercone: That is the Commonwealth's case, your Honor, and I would like to ask with the privilege for calling maybe one additional witness, whom we had notified months ago, that is Mr. Lewis Budenz, of University of Fordham.

The Court: He is not here at the present time?

Mr. Cercone: No. Are you going to recess for the defendant to open up the case here. Is he going to open up now? [fol. 1740] The Court: The defendant has requested today to open his case and they will undoubtedly be tomorrow in which case we will not resume until Monday morning.

I don't think the privilege can be extended to you until Monday morning to produce more witnesses for the Commonwealth. You can have that witness here anytime this afternoon. I suppose it is a theoretical witness?

Mr. Cercone: We can bring him on rebuttal.

Mr. Nelson: What are the rights on rebuttal?

The Court: You may not go into anything on rebuttal that should have been gone into. He has a right to answer anything drawn up in the way of defense by a rebuttal witness. In other words, you can't still try the case over again on rebuttal. The only thing is an answer to matters you may raise any defense.

Mr. Nelson: Is that the function of the prosecutor?

The Court: Yes, he has that privilege. He may call a rebuttal witness to answer anything you bring up.

[fol. 1741] Mr. Nelson: I don't know the answer.

STATE RESTS

Mr. Cercone: In that event I will rest and I would like to make a check on the exhibits.

The Court: And so far as the exhibits are concerned you better supply me with the list of exhibits and their recital and the indictment. One or two in the indictment you don't have and I think you better notify me as to which they are and give me specific reference to excerpts included in the indictment. In other words, in each excerpt give me a reference to the excerpt and where they may be found.

Mr. Nelson: Your, Honor, I would just like to make one motion relative to this witness and I would like to be given the privilege—I think some other motions are in order.

The Court: Generally, they demur to the evidence.

Mr. Nelson: I would ask, therefore, that since you indicate the Court is going to start Monday that it is going to help me. I can hardly stand on my feet.

[fol. 1742] The Court: It will give you a day or two to prepare.

Mr. Nelson: I would like to make a number of things, the motions later than now relative to Mr. Cvetic.

The Court: Put your motion in now.

Mr. Nelson: It has to do with the indictment. I have looked over the other records, that is the same when the Commonwealth first rested.

The Court: Your motion for Cvetic should be made now.

MOTION TO STRIKE TESTIMONY AND DENIAL THEREOF

Mr. Nelson: I move to strike out Cvetic's testimony because he is a paid agent of the Government and in this instance the Government has sent him in here and he is interfering with my Constitutional rights. That is one thought, your Honor, on which I wish to make a motion. I will give you all of these. And I move the—and I move to strike out all the testimony prior to this and you can rule on the first.

The Court: Overrule the motion. There is an exception noted on that.

[fol. 1743] Mr. Nelson: I move to strike out all the testimony which deals with two years prior to the indictment.

The Court: That is refused but in my instructions to the jury I will advise the jury that anything prior thereto is only to show these things were made by you within two years prior to that period of time. My ruling on that was this: I refused to strike the testimony but the effect of the

testimony considering matters prior to 1948, within two years of the date of the indictment will be limited to the purposes of showing the intent of the defendant and the interpretation placed on them by the writings themselves. In other words, in the printed writings and the intent of the defendant.

Mr. Nelson: I move to strike out the exhibits on the same ground, that is to, prior or thereafter.

The Court: The motion is refused. Exception noted.

Mr. Nelson: I move to strike out the exhibits that have no connections with me.

[fol. 1744] The Court: I think we have ruled on those—there is some connection shown on the exhibit or exhibits of books under your control.

Mr. Nelson: It doesn't show a commission of a crime.

The Court: Of course, it is with a limited purpose of showing the light on you during the two year period of time and I overrule your objection. And so far as the demur is concerned you wish to enter a demurer to the evidence as to sustain anytime for the demurer?

Mr. Nelson: That is right.

The Court: We will entertain your demurer and hear the arguments at 9:30 Monday morning. I will tell the jury not to report until ten o'clock so we will have a half hour to discuss it before the jury is brought in.

Mr. Nelson: I want to ask another question. Do I have the right to cross examine further any of the prosecution witnesses if I saw fit and necessary to dispose of testimony which I might get between now and Monday morning?

The Court: That would be a matter exclusively within [fol. 1745] my discretion and there would have to be a very important reason before I would permit it, something that was really prejudicial and in order for justice to be done.

The Court: Is that all the testimony from the Commonwealth?

Mr. Cercone: Yes.

The Court: Members of the jury, the case of the Commonwealth is now complete insofar as direct testimony in support of the indictment is concerned. It will be necessary to engage in argument and before we proceed with the defense's testimony we have, therefore, arranged that

this matter be adjourned not until tomorrow morning but until Monday morning and you are therefore instructed to return here not at 9:30 Monday morning but ten o'clock Monday morning for the continuance of the matter. So over the week-end you are free and relieved of your responsibility in connection with the matter. Return at 10 o'clock promptly, please, on Monday morning.

(Recess this case until Monday morning at 9:30.)

(Case recessed.)

[fol. 1746]

Monday, January 14, 1951.

Morning Session

The Court: All right, Mr. Nelson, do you want to enter and demur to the evidence, I suppose? Do you have something to say in connection with it?

Mr. Nelson: I have, yes, sir. I have a number of motions which I would like to make and present to you.

The Court: All right.

MOTION TO STRIKE TESTIMONY AND EXHIBIT AND DENIAL THEREOF

Mr. Nelson: I move to strike out all testimony prior to two-year period of indictment.

The Court: All right. I think I have ruled on that but I will rule again. Motion refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits in evidence dated or in circulation or in use or possessed two years prior to the indictment.

[fol. 1747] The Court: The motion is refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits because they were illegally seized.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move to strike out all exhibits and testimony because no connection has been shown with me and these exhibits and testimony do not prove that I have committed a crime.

The Court: Well, that is practically a demur to the evidence and the demur will be overruled; exception noted.

MOTION TO QUASH INDICTMENT AND DENIAL THEREOF

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the law on which the indictment is based is unconstitutional and it violates and deprives me of my rights under the State and Federal Constitutions.

[fol. 1748] The Court: Well, the constitutionality of the Act has been passed on by the Supreme Court and that motion is, therefore, refused and exception noted.

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the indictment does not state a crime against me.

The Court: Well, motion is refused, exception noted.

Mr. Nelson: I move that the indictment against me be quashed and the case dismissed because the Commonwealth has not proved a case against me.

The Court: Well, of course, it depends somewhat on the oral testimony, about the credibility of the witnesses and acceptance of their testimony is for the jury. That is likewise refused and exception noted.

[fol. 1749] Mr. Nelson: Now, your Honor, I would like to make specific motions concerning—dealing with the indictment.

The Court: Wait until I get the indictment.

Mr. Nelson: I will just read it point by point. I believe that is what was done in the previous trial and while I don't have record of it nor transcript, I know that scores of those were stricken. I can't tell you exactly which but on the basis of the merit of what was brought up here, I move that the first charge on the indictment be dismissed because it does not state a crime against me; it's unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Well, the first indictment charges you with "encourage divers persons, and other persons to take certain measures and engage in certain conduct with a view of overthrowing and destroying by force and by a show and threat of force, the Government of this State and of the United States of America."

[fol. 1750] Mr. Nelson: I submit that that is not proven in this case by the prosecution's testimony. All they proved

is that I had books, read books and sold them from my headquarters of the Communist Party and they have not proven one iota of any type of overt act.

The Court: If it weren't for the testimony of Cvetic that would probably be true.

Mr. Nelson: Your Honor, he is a paid agent and he testified for money and you cannot—you can't tell me a decent man can believe what he said on the stand.

The Court: It is not a question of belief but a question of if there is evidence which I will have to submit and I will have to submit it. The motion to quash is refused, as well as on the other reasons, on constitutionality and alleging the evidence does not support it.

[fol. 1751] Mr. Nelson: What do you call it? You referred to it as the "first indictment"?

The Court: The first count of the indictment.

Mr. Nelson: I wasn't sure of that. Well, my exception is noted?

The Court: Your exception is noted.

Mr. Nelson: I move that the second charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional, and the Commonwealth has not proved a case against me.

The Court: Well, the same thing applies there. I think if the testimony of Cvetic is believed, that that falls in the same category as the first. The motion is refused. Exception noted.

Mr. Nelson: You're ruling that on the basis of Cvetic's testimony?

[fol. 1752] The Court: The only testimony I recall applying to your actions in this respect is Cvetic's testimony.

Mr. Cercone: There is more than that, your Honor. The newspapers, the "Everlasting Peace" which was read to the jury.

Mr. Nelson: Did I print it?

The Court: These first two apply to his direct actions and the only direct action that I can recall was testified to by Cvetic. Everything else is as set forth in the third count, that he did these things by the use of materials. In other words, as I think, as stated, these indictments, the third count covers the use of materials to accomplish those

things and the first two counts charge him with taking action and saying words and so forth within the two-year period and the only testimony on that is, as I recall, is Cvetic's testimony. All right, Mr. Nelson.

[fol. 1753] Mr. Nelson: I move that the third charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth did not prove a case against me. Incidentally Judge O'Brien ruled that out in the other case, which is exactly the same as this, the same witness, Cvetic.

The Court: Well, the third count is based on cartoons and papers and so forth, and I think he might have ruled out the first two, not this one. This is dependent on the exhibits. Motion refused. Exception noted.

Mr. Nelson: I move that the fourth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proven its case.

The Court: Well, that is based on exhibits and it is refused and exception noted.

Mr. Nelson: I move that the fifth charge in the indictment [fol. 1754] be dismissed because it does not state a crime against me; it's unconstitutional; and the Commonwealth has not proved a case against me.

The Court: That is based on paragraph H of the Act relating to your participation in an organization or a group that might be considered seditious; motion refused. Exception noted.

Mr. Nelson: Which point in the Act did you say?

The Court: Paragraph H. The last section under the Act: "Organizing or helping to organize or becoming a member of any assembly, society or group, where any of the policies or purposes thereof are seditious as hereinbefore defined."

Mr. Nelson: Naturally my whole case is that this is not true and my organization does not stand for or advocate sedition.

[fol. 1755] The Court: That is understood, your position on it.

Mr. Nelson: I move that the sixth charge in the indictment be dismissed because it does not state a crime against

me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the seventh charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the eighth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

[fol. 1756] The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the ninth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Well, the only testimony on that would be the general testimony that "violence and force was intended and it might cause harm to public officers."

Mr. Nelson: Where, your Honor, where is an officer mentioned? Where was anybody personally mentioned? What bodily harm was being done to anybody or contemplated? Did anybody testify to that?

The Court: Not except in a general way, that if the pamphlets and books and so forth were seditious or your intentions were seditious, or the organization's intentions were seditious by the use of harm or force or violence, that there might be personal harm done. There is no [fol. 1757] specific charge that any efforts were directed to any particular officer, either of the State of Pennsylvania or the United States, that is true. What do you say to this, Mr. Cercone?

Mr. Cercone: I think the general structure of the Commonwealth's case substantiates the intention there that if that Party does advocate the overthrow of the Government by force and violence and that would necessarily involve harm to persons and officials of the Government.

The Court: Well, I will overrule the motion and grant an exception.

Mr. Nelson: You mean that remains in the indictment also?

The Court: That will remain also.

Mr. Nelson: I move that the tenth charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

[fol. 1758] The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the 11th charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved its case against me.

The Court: Motion refused. Exception noted.

Mr. Nelson: I move that the 12th charge in the indictment be dismissed because it does not state a crime against me; it is unconstitutional; and the Commonwealth has not proved a case against me.

The Court: Well, there you come to a couple of exhibits mentioned in there, a couple of seditious publications mentioned that weren't read from or offered in evidence, as I recall, and there are some of those——

Mr. Nelson: That is a separate point which I wish to raise.

[fol. 1759] The Court (Continuing): —and certain excerpts which were not read that you set forth in the 12th count. Well, if that is in a separate point we will overrule the general motion on it and hear you on the specific lack of evidence on the support of it.

Mr. Nelson: Well, this count has to do with books, writing the books and the interpretations of the books and the evidence that was brought in was brought in here by paid agents of this prosecution and people who were not qualified and able and do not understand the meaning of these books and they were permitted to testify, so I move that that count be stricken, your Honor, on those grounds.

The Court: Well, I think the jury was informed or will be informed again that the interpretations placed on those by the various witnesses were their own opinions and interpretations, and the jury will have to make up its mind [fol. 1760] after hearing other interpretations, which you will probably give to them in your defense so I can't

strike the entire count out because the evidence is there and the interpretations given.

Mr. Nelson: Well, in that case, I move that the two pamphlets mentioned here, which were not submitted as evidence by the prosecution—one called “The Communist Party in Action” and “Stalin’s Speeches”—be stricken from the indictment as they were not submitted.

The Court: That will be done. There is no evidence, as I recall, on those two publications.

Mr. Cercone: No, your Honor.

The Court: Likewise I think there are some excerpts that were not read to the jury which probably come from those two publications.

Mr. Nelson: Some do and I imagine once the books are [fol. 1761] stricken that you will—

The Court: That will strike them, but you better tell which ones they are.

Mr. Nelson: I will tell you that when we come to it.

The Court: So I may not be confused.

Mr. Nelson: On Page 12—I don’t know whether you have the same copy—but on Page 12, the very first long paragraph, “By joining the Party”—and so forth.

The Court: I think I have that.

Mr. Nelson: And the whole paragraph where the sentence starts, “Marx and Engels”—that is from the “The Communist Party in Action” pamphlet that I referred to and it has not been introduced.

Mr. Cercone: That is up here (indicating).

Mr. Nelson: I move that that be stricken.
[fol. 1762] The Court: Your motion will be granted on that unless the District Attorney questions that.

Mr. Cercone: No, that was stricken last time too.

The Court: All right. Anything else? Any more excerpts, Mr. Nelson?

Mr. Nelson: Just one more section. I can’t locate it right now but it would be from the other pamphlet mentioned which was not introduced, “Stalin’s Speeches.”

The Court: Well, you can check and advise me.

Mr. Nelson: All right, I will do that.

The Court: You had some sections marked in red?

Mr. Nelson: I will locate them later.

Well, I believe on the first point and it is repeated all the way through and done deliberately to prejudice the jury [fol. 1763] in regards to so-called use of names.

No evidence was given here by any witness that there was any such thing done and evil intended in connection with the so-called aliases. "Hugo," I never heard that name before and I move that the aliases be stricken and not be used before the jury as a prejudicial term which is calculated to inflame them and infer some kind of mystery and secret activity on my part in order to deliver a conviction against me by such use of inflammatory material.

The Court: At this stage of the proceeding I am granting your motion and we will instruct and describe you as "Steve Nelson." I heard no evidence as to aliases unless something develops in the defense of the matter.

Mr. Nelson: I have a few more motions, your Honor. Incidentally, your Honor, I want to point out that I don't know what basis you ruled on these motions. I know that in the [fol. 1764] other trial three counts were left in there. I can't vouch exactly which they are—the first, fifth and twelfth remains there. That I'm not sure because I don't have it but it could be verified easily and I think your ruling automatically to make them all remain in the indictment indicates a lack of consideration for the so-called frame-up evidence that was brought in here, you permitting this stuff to go into the record, I think only indicates the basis on your part—

The Court: I studied every one of these and I agree some of them overlapped but in reviewing all of the evidence I have come to the conclusion that if the evidence is believed, that there is sufficient to support the counts as they are stated variously in the indictment. I grant you there is no direct evidence on the one concerning the damage or injury to property or the person of public officials and that on an indirect inference to be drawn from the other matters but I assure you it isn't from lack of consideration. I have given [fol. 1765] the matter considerable study and I feel, if the evidence is believed, and that is for the jury to say, that they could return a verdict of guilty on any one of the counts as alleged. Of course, whether they believe it or whether they accept the opinion of—

Mr. Nelson: That is giving the jury an awful lot of latitude in the situation. With this mass hysteria I thought the Court at least would grant permission on some of these obviously unsubstantiated—all unsubstantiated but even these stool-pigeons couldn't prove or couldn't bring in evidence—where, at what time did we threaten anybody? Under what circumstances? Where was any harm done any public building, any such thing as that other than the criticizing them and your Honor's ruling indicates an impossibility to have a fair trial under the circumstances and the thing is going to be given to the jury in such a way as they [fol. 1766] will not be able to untangle the mess even if they should be able to raise themselves above this hysteria and listen to my side of the case and weigh it as they should so I can't understand your reason for your ruling, your Honor; not so mechanically anyway.

MOTION FOR MISTRIAL AND DENIAL THEREOF

I have one more motion. I move for a mistrial because the prosecutor made highly prejudicial statements against me in his opening, and which statements were not proven. He talked about sabotage; he talked about killing off people; he talked about infiltration and such things as that and it was permitted to go to the jury and I move now that the Court order a mis-trial on the basis of those statements which the Court well remembers, that was so prejudicial that you had to agree with me at that time that they were completely out of order, and I move for a mistrial on those grounds.

The Court: Well, they were refused at that time, Mr. Nelson, and we will stand on the ruling. The motion is refused. Exception noted.

[fol. 1767] Mr. Nelson: I move for a mistrial because the Court is prejudiced against me and cannot and did not give me a fair trial, as evidenced by Cvetic's testimony and the statement by the Court that he is a member of the ABC from which Cvetic received the money to try to frame me. The Court is a member of that Organization and under no circumstances can any fair-minded person believe a Court or a Judge in that situation can give me a fair trial. So, I move for a mistrial on the basis of the fact that the Court

stayed in the case, did not disqualify himself and permitted all this prejudicial stuff to pile up against me in order to convict me of a crime which was not committed.

The Court: Well, we have ruled on my prejudice before and we will stand on that ruling. The motion is refused. Exception noted.

Mr. Nelson: I move for a mistrial on the basis of how the prejudicial testimony which was permitted and there was no connection proven with me and that is in the record.

[fol. 1768] The Court: I think there is sufficient if the jury believes it. The motion is refused. Exception noted.

Mr. Nelson: I move for a mistrial because the press, radio and other means of communication in this community have created such a feeling and sentiment of community prejudice against me and, therefore, must have necessarily affected the jurors, so that it is impossible for me to secure a fair trial.

The Court: The motion is refused. Exception noted.

Mr. Nelson: I think that is all, but I wish—I would like to have about five minutes.

The Court: All right. We will take a recess before calling the jury down.

Recess.

The Court: We will recess until 1:00 P.M.

[fol. 1769] Wednesday, January 16, 1951.

Mr. Nelson: May we approach the bench, your Honor?

The Court: Come forward, gentlemen.

(Side bar.)

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Nelson: Your Honor, I want to call your attention to that section that I couldn't find the other day, that was to be stricken. It's on Page 8, your Honor.

The Court: Wait until I get the original indictment.

Mr. Nelson: That section dealing with—or rather being quoted from “C. P. and Action” which was not introduced into evidence. It's on Page 8, on the bottom, and it starts here: “You have joined—” That is all from that pamphlet.

The Court: Do you agree to that?

[fol. 1770] Mr. Nelson: I found the one on Page 12 the other day and I didn't locate the other until later.

Mr. Cercone: Until I check that, your Honor——

The Court: All right, you check that page, Page 8 beginning with “You have joined——” down to where, Mr. Nelson?

Mr. Nelson: Down to the bottom of the page.

The Court: You will confirm that?

Mr. Cercone: Yes.

Mr. Nelson: Now, I would like to have permission, your Honor, to have the privilege of looking over some of the material that is in the possession of the D. A. which I will need in my defense. Well, the books are pretty well known and you can get copies of those but there are materials there, like leaflets and pamphlets of local character that I don't have any copies of.

[fol. 1771] The Court: Do you know just what particular ones you want to refer to?

Mr. Nelson: It's hard to say what's in there now; there is a whole file. I might want a few pieces.

The Court: Everything is in evidence and you——

Mr. Nelson: I don't mean that. I want to introduce——

The Court: It's in evidence——

Mr. Nelson: You don't understand. It's the material that the D. A. has, other than that, that was introduced into evidence.

The Court: All right.

Mr. Cercone: I don't know what he means. He will have to submit the things first.

Mr. Nelson: You have taken possession of materials, materials that are vital to my defense and you have naturally not introduced those things that you couldn't twist around.

The Court: There was an inventory made at the last trial of everything that was taken there.

Mr. Cercone: I think you have it.

The Court: Is there a copy of the inventory available?

Mr. Cercone: He has it.

The Court: Do you have a copy now?

Mr. Cercone: Not here.

The Court: Anything taken from the headquarters should be available to him, certainly.

Mr. Nelson: It may be a tedious job or a prolonged thing,

but I am not raising it because of that. There is a manuscript, for example, written by myself.

[fol. 1773] Mr. Cercone: We will show the inventory.

The Court: Show him the inventory and if there is anything on it that he wants, he has a right to have the material and that is probably still in the office of the Custodian of property of the County.

Mr. Nelson: I just want to make a point. In there is reference to a manuscript, written by myself, which is in a rough form in their possession and I don't have a copy of it.

Mr. Cercone: I never saw it.

Mr. Nelson: It is in the inventory.

The Court: Anything in this inventory he should have access to them for his defense.

Mr. Nelson: Pamphlets and leaflets which show what I did do in the course of this time.

The Court: You are entitled to it.

[fol. 1774] Mr. Cercone: Now that we have touched on that, your Honor, we will—of course you can't make a ruling until he tries to introduce the stuff and the only thing he should be able to introduce is to controvert what we introduced, showing "force and violence" and not what his "negro program" is.

Mr. Nelson: You are not going to organize my defense.

The Court: Anything that is in the inventory is available to you for your defense and we will rule on them when they are introduced. Offhand I don't think I am going to limit him to just what would controvert the Commonwealth's evidence. He has a right to show the complete picture and—

Mr. Cercone: We weren't able to do that. We were stopped on several things. We were stopped when we wanted to go into the various "front" organizations.

The Court: Well, the various "front" organizations out-[fol. 1775] side of the office. I am talking about what was taken from his office, what business was conducted there.

Mr. Nelson: I think your Honor made a remark, during Mr. Cercone's opening, that you wanted to bring out what was done in the course of the two years. I think you stressed the "activity" and I can't show it any other way.

The Court: Anything that was done in that office, good

or bad, I am going to permit and you will be provided with the inventory and provided with anything you want from there.

Mr. Nelson: I show your Honor a full page ad in the Pittsburgh Press dealing with obviously another Cvetic in another place. It is just another way of helping prejudice the public opinion here and having an effect on the jury. I think this individual testified at a trial and references are made to a conviction and so forth and is glamorized as a hero. On this kind of an atmosphere it's very hard [fol. 1776] to have a jury that is not poisoned by the attacks against the Communist Party.

The Court: You are moving for a mistrial and withdrawal of a juror on account of the publication in the Pittsburgh Press appearing Monday, January 14, 1952 advertising a serial that is starting next Sunday in the Pittsburgh Press entitled "I Led Three Lives" by referring to an individual by the name of Herbert Philbrick.

Mr. Nelson: Yes, your Honor.

The Court: Your motion is refused and exception noted.

(End of side bar)

The Court: You may now outline your defense to the jury, Mr. Nelson, if you wish.

Mr. Nelson: Yes, your Honor.

STATEMENT BY MR. NELSON

Ladies and gentlemen of the jury, I am going to outline to you this morning the nature of my defense and I will [fol. 1777] do the best job that I can as a layman. I haven't got an attorney in the case and I will try to show you what I did do and what I did not do in the course of my defense.

You know that I am defending myself in this case, as I contend, against a frame-up rigged by this prosecution, aimed at sending me off to prison for twenty years and yet all that I have done in the course of the time that this prosecution claims I committed a crime, I have done the very same things for over twenty years openly and above

board in the United States. Everything was done known to the authorities. What I have done, it was known to the people of this Nation or where I was active since I was active in areas of various parts of the country, but for the most part the Eastern part of Pennsylvania and the Anthracite and generally throughout the State of Pennsylvania.

I am defending myself against these false charges and I am defending my Party, which I contend is a part of the working-class even though the majority doesn't believe that at the present time, and I am defending my life's work, all that I have done in the past.

I am going to show you, ladies and gentlemen, that this indictment brought here by the prosecution, is a monstrosity and a fraud, that in a democratic atmosphere could never be brought into a court. I am going to show this indictment to be a falsehood, a monstrous falsehood, concocted by vicious men who have another purpose in mind. This indictment is based on the Nazi-type of idea of how to handle ideas of the other fellows. If you don't like his ideas, put him in jail because you got the means to put him in jail. That is what is behind the prosecution, their mentality. Even this indictment, which has twelve counts, hasn't got one single iota of evidence and the prosecution's witnesses have not brought in one point where an overt act is cited; where something is said about my doing this to this or that individual or this or that state official or any overt act whatever. Not one item is mentioned even in this indictment. Not one item. Naturally there is no "X" that marks the spot where the crime was committed because there was no crime committed.

Now, I am going to show you that the reasons behind the prosecution of myself and other Communists of my Communist Party had been concocted by a group of men here in Pittsburgh around an organization known as the A.B.C. (that A.B.C. stands for Americans Battling Communism). You know Hitler had his A.B.C. too and he operated the A.B.C. on a world scale, battling Communism, and a lot of people went along with the Hitler idea and you know what happened. We went to war and when millions of people—

Mr. Cercone: Just a minute. We don't want to interrupt, [fol. 1779] but we want to only restrict him to what he intends to prove and not his argument at this time.

The Court: He is outlining what he is going to show, that this is a fabrication of some sort concocted by an organization of the A.B.C. Proceed, Mr. Nelson.

Mr. Nelson: It's a strange thing for the prosecutor to do that here. He got up in this very courtroom and called me a spy. Did he prove anything like that? Did he apologize?

The Court: You interrupted him in his opening and he interrupted you and I will rule on it when there is an interruption, as I did in your case. Proceed, Mr. Nelson.

Mr. Nelson: Thank you.

This A.B.C. organization was organized by a Judge of this—or rather a Judge of the Superior Court, Blair F. Gunther. He was the man who was active in the Slav Congress, with which I was associated at one time in a way. He left the Slav Congress because the Slav Congress introduced President Roosevelt or supported him for the [fol. 1780] third term and he didn't want to support Roosevelt and he turned Republican and he organized this A.B.C. in the City of Pittsburgh.

A lawyer by the name of Harry Sherman who was getting, as you recall already from the evidence, 30% from all the deals that they made on Cvetic's infamous enterprise. This Judge and Cvetic, and there were others who were interested in that Organization and who were getting a cut from this pie, this dirty pie that was cooked up by Cvetic and Gunther and others who were active in this Organization. Others were getting a cut there, as you saw already, a writer of the Press and of The Saturday Evening Post. The one on the Sun-Tele was getting a cut from these activities of Cvetic and this was their immediate reason for wanting to prosecute me, because it was popular to holler against Communism at that time and that they were able to cash in on it. This was the reason why these individuals pressed it. As a result, Gunther got elected to the Superior Court. As a result another individual, a key witness in this case, Musmanno, used it to advance himself in the course of his election campaign, first for lieutenant governor and then for the Supreme Court. You already

heard what happened—to what extent he used this issue, including invading my home in Philadelphia. A candidate for the Supreme Court, can you imagine a thing like that? You could see it was obvious that he was looking for headlines, cheap headlines. He didn't have to pay for the [fol. 1781] publicity in his campaign, it came gratuitous. That is why he used it.

I will show that a prosecutor in the case, Lewis, aligned himself with Musmanno and this group for the same reason; he got a judgeship out of it. I will show that Rahauser, the District Attorney in the case in this County, used the case for the very same purposes although, ladies and gentlemen, when he was first asked whether or not he would prosecute Communists in this County he said, "There was no ground on which to arrest Communists under the Sedition Act unless," he said, "an overt act was committed." Well, there was nothing in the indictment that would indicate an overt act but I was arrested, ladies and gentlemen, and Rahauser is a Judge now. So is Lewis and so is Musmanno and so is Gunther. As to what Mr. Cercone expects to get out of it—well, I'll let you make up your minds.

But these fellows in the A.B.C. and these judges who have abused justice, misused it, were not the main culprits or the only culprits. They have taken advantage of an atmosphere which existed in our County, which is polluted by what the big corporations are doing at the present time; the big Mellons and the Morgans, the boys of the Duquesne Club who are the real bosses in this County, whom you know, who run the politics of this County; who run everything in this County, the whole life in this area. They are [fol. 1782] the real ones. They want war. They make a profit out of making ammunition and if you get up and criticize their war plans, in jail you go. That is exactly what they are doing now. I don't have to tell you and I will show you in the course of my defense that it's these ammunition-makers that are making a tremendous amount of war profits out of myself and the rest of the people and they don't want the people to hear that, they don't want the people to know that. We could have done without this war and we could have done without the big taxes

that have been imposed on us as a result of this needless war. They don't want to have this criticism brought out in public and I didn't hesitate to criticize them and my Communist friends didn't hesitate to criticize them. We didn't hesitate to say that this was wrong, morally wrong in every way, wrong against the people and this country of theirs, our nation, not against somebody else. That is bad enough. I don't think it's right to invade anybody else's home and kill his children just because you are more powerful. You can't justify that on any basis. My conscience can't square that with everything I learned about decency.

I will show that these very corporations are owned by about sixty families in this country and these sixty families own and control 250 corporations. Ladies and gentlemen, they own nearly 70% of the wealth of this country; 70% of the wealth by sixty families.

[fol. 1783] I will show that when I criticize what they do it is not criticism of our country; no, it is criticism of the misuse of our country for the benefit of the few. That is what I am criticizing. When we call these people "monopolists" the prosecution jumps up and says, or their stoolpigeons, Cvetic and Crouch, "When we say 'monopolists' you now mean the country, you mean the people, you mean the United States." No, sir, I will show what I mean by that is the small clique that has a tremendous amount of power. Ladies and gentlemen, there are very few of you in this box as jurors who are not one way or another in the hands of these big corporations. You either work for them or your lives are dependent on them, whether you work for U. S. Steel, whether you work for the traction company, whether you work for Duquesne Light, whether you work for any of these major companies here, you are working either for the Mellons or the Morgans. That is what you are doing. These are the boys we refer to as "monopolists", who run the country at the present time because they own the newspapers and the radio; they run everything practically. Surely not in the open, but behind a mask. They got a nice mask behind which they hide and they want you and I to believe what they are doing is right.

I will show your Honor and you ladies and gentlemen that we refer to these people as "economic royalists". [fol. 1784] Incidentally, a term used by President Roosevelt though not only Communists are conscious of the fact that the "monopolists" run the country. I will show you that Woodrow Wilson stated that the big monopolists run the government lock, stock and barrel, and he was president of the United States. Of course he said that while he was a Professor in Princeton University. And the prosecution wants to say that I coined the words or the Communists coined the word that when we mean "imperialists" that we mean the American people. I will expose this fakery through my witnesses and through my defense and incidentally I will show that because President Roosevelt, of all the presidents since Lincoln, put certain obstacles in the way of these big fellows who wanted to take away everything that this nation possesses and use the natural resources for themselves and they cared nothing about the people who starved because they had no jobs and he wanted to put a little limitation to this on them and what did they call him? They called him a "Red" and a friend of the Communists. Mrs. Roosevelt is still being labeled "Red" every day by Pegler and if you read his column, and I do hope you read him on occasion, you will find that she is still being called a "Red" because President Roosevelt moved in the direction of at least limiting these corporations to some extent. What did he get for it? The papers were against him, the newspapers were against him and they were against [fol. 1785] the program that he wanted to advance in this period when he was president, all because he wanted to limit their exploitations of the nation. Well, naturally, why couldn't they go a little further with me and outline what my aims are and these corporations have good reason to want to shut me up.

Ladies and gentlemen, I am going to show you that the Truman Administration has departed from the Roosevelt Program. In fact, ladies and gentlemen, Hoover couldn't get to Washington for a period of twelve years but 34 days after Roosevelt died he was in there with

Truman, having a conference, and the oldtimers know what we mean when we say "Hoover and the depression." Since that time the Truman Administration had embarked on a war program, away from the program of peace, and because we Communists opposed that program they decided to do with us what Hitler did. The Communists were the first in Germany to have been thrown in jail because they opposed these programs; because they didn't want to go to war. There was no sense going after the other nations and attacking them and denying their rights; breaking into Austria, Czecho-Slovakia, Poland and other places, yet the first ones who opposed this program was the Communists. Ladies and gentlemen, those Communists were thrown into jail like they are trying to throw me into jail. They even concocted a conspiracy—perhaps the older ones of you remember that they burned down [fol. 1786] their own parliament known as the Reichstag; like one would burn down the Federal House of Congress in Washington, D. C. in order to frame the Communists. To say that, "Look at these rascals, we got to get rid of them." They even go so far as to burn down the public buildings. The Communists were framed and so went to jail and the German people believed all this stuff that Hitler was handing out and I think you know what it cost them. Millions of their own were killed and twenty-five million human beings in the world were wiped out and the only ones that can stand up proudly now in Germany and say, "We had no part of that," were the Communists. The Chairman of the Communist Party of Germany, Thalman, a longshoreman from Hamburg, was killed by Hitler because he opposed the program of war. I am sure that when our army got into Germany later they would have been glad to have found many more German Communists working to overthrow Hitler but they couldn't find many because Hitler had done a thorough job. Many of them were burned in the gas chambers along with the Jews and other people that Hitler eliminated during that war.

So, ladies and gentlemen, bear that parallel in mind. I will show that the pattern is being laid here which is not much different than the pattern of Hitler. The diff-

erence is that we still have certain rights here, certain limited rights but these rights are being taken away fast. This trial is one step to do away with those rights, if the [fol. 1787] prosecution has its way. At the Reichstag trials they had their Cvetics. True, there was a fellow by the name of Vanderlube who joined the Communist Party and who appeared in the trial and who said all the things that the prosecution wanted him to say; exactly like Mr. Cercone was asking Cvetic and he just jumped through a hoop every time. This man's name was Vanderlube who turned out to be a half-insane Dutchman who lived in Germany. He was so bad—they didn't know what to do when he got so nervous and you know what they had to do with him? They had to execute him too.

Mr. Cercone: Just a minute.

The Court: This is a comparison the defendant is making with one of the Commonwealth's witnesses, Cvetic. We are not going to include other trials and we are not going to include any personalities. I told both sides that in the possibility of comparisons being made. We will permit the defendant to proceed and we will rule on any overindulgence in reference to persons and situations and so forth, but we will do so at the time.

[fol. 1788] Mr. Nelson: Your Honor, ladies and gentlemen, the defense is going to show that this is a "thought control" trial where certain people are going to pass judgment on what books are to be read and what books are not to be read. This is the first time in history that that kind of a thing is beginning to occur. Now, what is "thought control"? What does it mean? I will show you that it means you can't read what you want, you can't listen to whom you want, you can't say what you want. Well, if you can't do that, then you can't choose who you are going to elect and then your right to vote amounts to nothing. It's going to judge votes like in Nazi Germany where the Hitler party named the ticket and you had to go in there and vote one way; that was it. That's what it's going to be, if we have no right to discuss and debate issues, social and political issues, and let the sixty families that run the country through the newspapers and radio

and through control of both major parties, control the life of the country, then we are a bunch of "yes" men at their mercy. They will decide everything in our democracy, that our nation has fought for and that we are proud of for so many years, is going gradually and gradually away from what it used to be and if the democracy is limited on the question of books, what books to read, then, ladies and gentlemen, many of the other things are going to be decided by these people that you don't like and if you object, you will be called a "seditionist". Anyone will be called a "seditionist".

[fol. 1789] These very books that are on trial here, some of them are over a hundred years old. Some of these books like the "Manifesto" has gone through at least a thousand editions all over the world. There isn't a country in the world where this book isn't circulated. About the only place where these books were illegal, where they had to be read at night, where the police couldn't locate them, or the agents of the government was in Nazi Germany and in Fascist Italy and Imperialist Japan and in like a few more Fascist countries like Franco. In all other countries it is taken for granted that you have a right to read and this is the first time in the history of this country where the Judges in the Court are going to decide or are asked to decide and the jurors are asked to decide what you learnt or what you believe in as a result of reading those books. This is the first time somebody is going to crawl into your minds and see, "What did Nelson get out of reading that book? What did the Communists get out of reading that book?"

The Court: I will have to interrupt you in this instance, Mr. Nelson, because this is not the first time for a trial involving the Communist "Manifesto" and other books, other similar books, and I will have to correct you.

[fol. 1790] Mr. Nelson: I am saying in Allegheny County it is practically the first time.

The Court: Outside of the previous trial you were engaged in, that is possibly correct, but it is not the first time the matter has been before the Courts.

Mr. Nelson: So, ladies and gentlemen, I am going to show that this is a "thought control" trial in the Twentieth Cen-

ture and that the people in the future will be ashamed to look down if this stigma continues or this type of thing continues. I am going to show you this vicious indictment and I will take it point by point, ladies and gentlemen. There are thirty points in this indictment, thirty quotes in this indictment, and necessarily I will have to show you how the prosecution used those quotations; how they distorted them. I will show you instances where they started off not at the beginning of a sentence and where they didn't end at the end of a sentence. They stopped, they picked out the words that they wanted by themselves, without their meaning, all around what they mean, and the whole setting, and they put it in there only figuring that the jurors or whoever [fol. 1791] is going to be asked to pass upon it is not familiar with these books and all they had to do is to look at who is the prosecutor, Judge of the Supreme Court, look who is the prosecutor down here, another Judge, and look who is behind it and ipso facto the people are not going to pay attention to the distortions they thought about. They are going to listen to who is behind it and who is going, on the basis of that, to take away my life; that is what they hope to do.

Ladies and gentlemen, I am going to show you that the Communist Party is over thirty-three years old and that it was not a foreign importation as the prosecution contends. In fact, ladies and gentlemen, not many realize that there were people in this country, great people, who fought for socialism, what I fight for, as far back as our Civil War; before there ever was Lenin or Soviet Russia. When the Czar ruled over there, there were people in this country, great people, who believed in some type of socialism instead of having these big corporations run and squeeze the wealth and juice out of them; to run it for the people. There were people like that in this country. The earliest ones were active with the abolitionists. Wendell Phillips, he believed in Socialism. I am going to show you that even Brisbane was a sort of Utopian Socialist. The older ones among you recall Arthur Brisbane, the commentator-writer. His father organized the Socialist Colonies in this country and [fol. 1792] their books, like great men like Edward Bellamy captured the imagination of this country back about forty

years ago. What was the essence of that book? I will show you that it was the very thing I am advocating, Socialism.

Up in St. Clair, Jack London wrote scores of books on this question and you know that Jack London is one of your great writers in this nation. He has been shoved in the background now by a bunch of junk that is coming out from the various publishers. He has been shoved in the background but, ladies and gentlemen, these men thought in terms of Socialism for this nation; they thought it was wrong that the wealth of this nation should be robbed by the few. Nature didn't put it there for them to use it. Those who believed that the Almighty God put coal into the ground, put it there for the Pittsburgh Coal Company. Did He? I say, "No," ladies and gentlemen, and I will show you that these riches are to be used by the people, not by these corporations. That was the thing these people were talking about that I mentioned. Theodore Dreiser, unquestionably you know about him, but before he died he joined the Communist Party of the United States, the very Party I am a member of for the very reason I am a member of that Party, because I want to see Socialism in this country.

In the Civil War, Karl Marx, that terrible man whom Mr. Cercone, Musmanno, Cvetic and Crouch are trying to bring [fol. 1793] up here on trial—Do you know what he did during the Civil War? Well, I will show you that there were three individuals who were friends of Karl Marx, who fought in the Civil War to do away with slavery, who were Communists at that time, members of the Communist League that was organized by Karl Marx when this "Manifesto" was read to them and adopted in 1848. One of them was a general and one of them became one of the friends of Marx, a liberal, who was a member of the cabinet, Mr. Lincoln's cabinet, Carl Schurz. Wedemeyer, who was a General in the Civil War, he was a friend of Karl Marx, and these people are trying to tell you that somebody brought this stuff in from Russia; that I brought it back or somebody else brought it back, or we got orders from Russia to bring it here.

Ladies and gentlemen, Socialism is the next stage in our life all over the world and it grows out of a natural soil; out of natural conditions that exist in every country. I will

show you and as I mentioned, Karl Marx, the man whose books they want to burn now in Pittsburgh, was the one who organized support for Lincoln and he stated that, "The fate of humanity is now being represented by the stars and stripes." That is what he said during the Civil War. He organized European workers when the British were trying to help the slaveowners. He organized the British, German and French workers to oppose intervention on the side of [fol. 1794] slavery.

As for the actual organization of Communism, it was organized in 1919. I will show you, ladies and gentlemen, that the key men in the Organization of the Communist Party were William Z. Foster and Charles E. Ruthenberg, both Americans, and who have given at least fifty years of their lives to organizing labor in this country. In fact, Foster was the first to come to Pittsburgh in 1919 to brave the coal and iron police in this area, where everything around here, including the Courts, were in the hands of the corporations; towns and burgesses and police chiefs were picked by the steel companies in Homestead, Duquesne, Aliquippa and so forth, and shortly after that I had experienced it myself when I didn't know that the world was round, as far as that goes, when I worked in Aliquippa for the J. & L. Steel Company. I know what the conditions were here. Foster came here to organize the steelworkers for the American Federation of Labor and this man's strike was crushed by murder and an injunction. 21 workers were killed in the strike, in the AFL strike, and these people talk about force and violence, I practice force and violence: They got a nerve to say that, where every one of their acts in the past, where they can get away with it, was: How can I get more blood out of these workers? That's their game in organizing a union, so that they may work shorter hours. How can we stop that? Arrest the leaders. That was the [fol. 1795] scheme. They even murdered women organizers in the strike. They chased the police out of these towns, like Braddock, Homestead and Duquesne. I will show you that. And who was it that organized that? As I told you, I will show you again that the Communist Party, the very first thing that it did when it was organized, it said that American labor needs union. The AFL was small, only

about two and a half million people and there were forty million industry workers, and the Communist's first plan was to organize the un-organized so that these conditions can be gotten for the workers who work in these big industries. And what were they charged with then? They were called "Reds," because they organized unions, "Communists" and "agitators."

I will show you in the course of my defense that we fought for all the immediate necessities of the American people, of things that they faced; the fight against high streetcar fares or against exorbitant rents or for the rightful citizenship of the Negro people. Wherever or whatever faced the people here we went along with those who fought for it and sometimes we went ahead of it, sometimes we went ahead.

During the depression, ladies and gentlemen, I was arrested and I was tried before a jury of twelve people. The charge against me was the same as here, force and violence for organizing the unemployed people and for insisting that [fol. 1796] our Government ought to pass an Unemployment Insurance Bill; that the taxes should be put on the rich who make plenty of money so that when a man loses a job through no fault of his own he gets unemployment insurance. Well, at that time, ladies and gentlemen, the people were able to see through that conspiracy and there was no conviction in the case; the case was thrown out because the people thought that something had to be done about unemployment and if I, as a Communist, said that there had to be an unemployment insurance bill, and I will tell you something, we were the first ones to draft an unemployment insurance bill in this country, and I had something to do with it as a young man in 1930.

And, ladies and gentlemen, in this very State, scores of times I led a delegation to the State Legislature, including the time when Musmanno was an Assemblyman down there. For what did we go down there? To overthrow the Government? We went down and we said to the State Legislature, "Pass an emergency bill of some kind to feed the unemployed until Congress acts and passes a bill." We asked, ladies and gentlemen, we said to the Assemblymen, to memorialize Congress and ask them to

pass the unemployment insurance. I was one of those delegates, being as I was Vice-President of the Workers Alliance of the State. At that time I was active in the Anthracite. Yes, the prosecution said they were going to bring out my activities in the Anthracite. I am going [fol. 1797] to show you that they had good reason not to bring it up, ladies and gentlemen. It's an open book. Thousands of people know what I have done, even though it was over twenty years ago and I am proud of every inch of that work that I have done in the course of my life.

Then on foreign issues, I think we had, and I will show that we had a most consistent position of all parties. We stated then in the early '30's that there was a danger when Hitler came to power, that he is going to war on all the democratic nations, including the United States. At that time big politicians used to make trips to Europe and have pictures taken with the Nazi Generals, even including Randolph Hearst, he had a picture taken with Hess—you recall the name. When he came back he said, "You got to support Hitler," and many backers who wouldn't heed the American Unemployed didn't hesitate at that time to give arms to Hitler and Mussolini and we said that was wrong, and because we said that, we were called then "Foreign Agents", but you know now that history turned out to be the way we said.

Ladies and gentlemen, Mussolini, Hitler and Tojo used those very loans we made them to make guns, guns to shoot our own people down. You know that. I was active in an organization then known as the League Against War and Fascism. In fact, I was its national organization [fol. 1798] secretary at one time. I will show you what we did then. We fought against these loans to Tojo and Hitler and Mussolini and we said that the democratic countries ought to be getting together and that that was the only way to prevent Hitler from attacking other nations and we opposed the terrible things that Hitler did against the Jews in Germany; six million people slaughtered when some of our Southern Congressmen just snickered and said, "It's just good for them." They said it, like Rankin and Wood.

There was another story brought out here and I will

be proud to discuss it with the jury and tell you about that. I fought in Spain, yes, ladies and gentlemen. I will show you that I fought in Spain. I was one of three thousand Americans that volunteered to go, that went there. We didn't have to go any more than you but I felt that if democracy in Spain is overthrown by force and violence and by Mussolini and Hitler, that the next step is going to be war against our own country and three years after that war did occur against our nation and Franco, whom Mr. Musmanno and Mr. Cercone defended here lent bases to Hitler in the war against—

Mr. Cercone: Your Honor, I move that that be stricken as we didn't support anybody.

[fol. 1799] The Court: I don't recall any testimony or any action on the part of yourself or your witnesses in regards to supporting Franco.

Mr. Nelson: The Chairman of our Party in Pittsburgh, Henry Forbes, went to the war and he was killed; the man who left the very same Bakewell Building in Pittsburgh that is now such a terrible thing, according to this prosecution, went to Italy during the war and was killed in the Anzio Beach Head. Fifteen thousand Communists went into that war, during the last World War and fought in it to defend that United States against its enemies.

Ladies and gentlemen, as I have already indicated, and I will show you that we have opposed the Truman Policy not only on foreign issues, we opposed these policies on the domestic issue, which I believe to have been the great departure on the part of the Administration from the Roosevelt Program. We fought for peace. That was our central thing since the war and we want to bring about an end to this needless million dollar tax program and to bring about peace in the world and peace for our own country. We supported the various measures in this country that labor should increase its wages because prices have gone up so high and the big monopolists make a tremendous profit out of these price rises; the wages don't keep up with the rise in prices, yet the Government put a [fol. 1800] lid on wages but it doesn't put a lid on prices. We opposed that. We called for a tremendous program of housing instead of destruction in war. Our people

need homes and they could be built, we need them. We fought, of course, on all the other immediate issues that faced the people, particularly for the right of the negro people whose rights are violated every day but the most recent you have seen down in Florida where the Government does nothing about it. Why the FBI for eight years can put a little stoolpigeon in the Communist Organization in Pittsburgh, but what did they do about the Klan? Did they ever arrest the Klan members for murdering a negro person? No, sir. What did Mr. FBI, J. Edgar Hoover, do about it? Nothing. What did J. McGrath, Howard J. McGrath do about it? Nothing. He goes about arresting Communists but on these things at home they don't do a thing ladies and gentlemen, as we will show.

Then, one of the crimes last year was that I opposed the war in Korea. I'm rather amazed that in this trial Mr. Cercone and Lewis didn't make much of that. I will show why that is, ladies and gentlemen; that most of the people think it was crazy to go there and wrong. We got nothing out of it but the corporations have made plenty of cash out of the taxpayers' money. All we got over it is a hundred thousand casualties six thousand miles away. For what? To protect the interest in Wall Street and South Korea. That's what I said then and that's [fol. 1801] now what 70% of the people say, the same thing, and because I said it then I am on trial. If I had kept quiet, ladies and gentlemen, I would be like the rest of them, I would be like the German people who condoned Hitler's attack on other nations but I'm not made that way. I am not going to permit that to happen. As long as I see it's wrong I am going to say it's wrong, no matter what the consequences will be.

We opposed the program of our lining up with the Nazi Generals since the war ended. We think it's wrong to take these murderers and butchers and organize an army, the so-called "European Army". We financed them; the taxpayers' money goes to feed those people who committed such untold crimes against our own people, yet the Administration in Washington has found fit to take all the resurrected Nazis, bring them in, work with them, and I don't want to mention too many names, we will do so

in the course of our defense, to show the biggest criminals in this Nazi Army are now "all right" to the boys in Wall Street. Well, because I refused to submit to that, is that why I should be hung?

Then again all over the world, ladies and gentlemen, since Roosevelt died, since the war ended, the Administration in power, the Truman Administration, has been surrounded by scores of men from Wall Street. Take Harri-man who is he? The Wall Street Banker. You think he is in this because he wants to work hard? No, he could [fol.1802] be taking a vacation somewhere but he is in there, like the rest of them, Clay and others, to see that the Truman Administration carries out their policies. Ladies and Gentlemen, that is why they are in there and, therefore, their policy is not my policy and it's not a people's policy; it doesn't speak for the people, for the majority, it speaks for the handful of people who deal in money, who deal in war, who deal in blood; that is their business. They support every reactionary king and puppet. Can you imagine these United States, who fought to overthrow a king and monarchy and now the same puppet kings getting support from the United States? I could mention fifteen right offhand but we will do that in the course of our defense. We will show Fascists who fought against us, who destroyed unions in their own country, who destroyed religion, they get loans from Wall Street with an Okay from Washington.

Now, ladies and gentlemen, I am going to explain a lot of things to you that were brought out here by the prosecution, that were twisted around and that you couldn't possibly understand their true meaning if you believe them. For example, I am going to explain the so-called charge of "secrecy". Why Communists meet sometimes without putting a shingle on the outside and say, "A meeting of the Communist group". I will explain why that is. It is very simple, just like the unions had to do when they first organized in the plants. If the boss found out who was a union member, he was fired. Isn't that [fol.1803] right? Well, we have to live and eat too, and the only way we can do that is work for the very same employers, and when we announce our names we are

through. We got children, we got families to support, we are human, and those are one of the reasons why we have to do it. The employers don't want us in there for that reason, although we will show you how they tried to twist that around, the prosecution does, and say, "You want to be in a steel plant because you want to blow it up," or something. Blow it up! To blow myself up with it, is that what I say? What stupidity!

We are going to expose the interpretations they put on these words and we are going to show that every important movement in this country started off illegally, had to be—not illegally, but secretively they met, put it that way. They had to keep their names out of print. What about those who helped the "underground railroad" in the Civil War? Did they announce to the slave owners, "This is the house in the North where the negroes came through the line in Maryland"? The very name "underground railroad" denotes they worked "underground". Why was it "underground"? Because there were people who would destroy them so they had to be temporarily illegal or rather not within the actual function—to function all together in the open.

I am going to expose this fakery here about orders from Moscow. You have already seen and you will see more. [fol. 1804] Mr. Cvetic, when asked the question, "Do you know whether they are getting orders?" When he testified, "—somewhere else" —he said, "No, I do not know." But here he said something different. That is how true that thing is and I am going to expose the rest of it. "Getting orders", we make our own decisions. I am going to show you, ladies and gentlemen, that I am not a puppet for anybody. I will fight for what I believe, ladies and gentlemen, and I am going to have some say about the policy that I fight for. I don't have to be in. If I have to be against my will, I'd be out. Anybody can leave the Communist Party if they don't agree. I am in it because I believe in it with every fiber of my body and I fought for the Marxist policy in Pennsylvania, wherever I am, and at whatever level; we all do who are members of the Party. This stupidity to think that I could

go around and take orders from somebody. Is that why I am ready to face all kinds of attacks and discrimination against me and my family? This is a big lie about getting orders. Well, then, half the world is getting orders from somewhere or other. In France they say because the Communist Party controls one-third of the votes in the country, they say they are foreign agents. You mean Moscow is paying to have those Frenchmen in the Party? In Italy the Communist Party gets eight million votes. You mean to say those people are getting paid by Moscow?

Ladies and gentlemen, this is the idea that we fight for. You can't buy it with money and whether you believe in [fol.1805] it or not I will show you the effectiveness of this idea, as best I can through the course of this trial through my witnesses; what it is and what it is not.

Then they say, the prosecution argues, and I will show you this monstrosity and fakery, the kind that only a Musmanno can concoct, because we fight for peace. They say, "You are against the United States"; that is what they say. What they are really saying is that the "United States should want war." And they call themselves Christians. These gentlemen (indicating), they call themselves Christians. They go to church Sunday morning and on Monday they go and say, "We want to kill people somewhere." Christians!

I am going to show you, ladies and gentlemen, that it's not a crime to be an Internationalist. In fact, the best people in the world have an international outlook. It doesn't mean that you must necessarily be against your own neighbors and so forth. Lincoln, for example, made a statement, and I will put that statement in, to prove to you ladies and gentlemen in the course of this trial, what he said.

"The strongest bond of human sympathy outside of the family relations should be one uniting all working people of all nations and tongues and kindred."

Workers in various countries have no reason to hate us and we don't have any reason to hate them. The corporations, ladies and gentlemen, the very Mellons that [fol.1806] own Westinghouse, run the big electrical in-

dustries in Japan right now and if they can produce motors in Japan for less money than they can produce them here at Westinghouse, that is where they are going to produce them, where they are going to make money. Is that going to be for the good of the American workers? No. They are going to lay us off. You see, they got an International cartel, an International outlook, so the working people do have an International outlook, whether it is good for the working people or not. In one country we increased wages so that the other corporations can't come in and make a profit on them. Is that good for the people here in the United *States*?

Now, there was much said here and I will show you that this term Marxism-Leninism is not the monstrosity that the prosecution wants to make of it. I am going to show you, ladies and gentlemen, whether you agree with the idea or not, whether this is the first time you ever heard about it and the chances are that you never saw a Communist before talking in front of you. Chances are you never read a book by a Communist. All your life you have been reading stuff against it and my purpose is not to show you what I believe is something that you have to believe in but I am going to show you, ladies and gentlemen, that it's a great idea, whether you agree with it or not, Marxism-Leninism.

Marx was a giant recognized throughout the world. [fol. 1807] There isn't an economist in this country or world who have studied political economics who doesn't study Marx. Only the charlatan reads it in a hurry, like Musmanno claims he had. A hundred years ago he wrote the Manifesto and today, ladies and gentlemen, after he has been dead for nearly sixty years he is known ten times more than he was known when he was alive; that is something! Where are his contemporaries? Can anyone name who was the Prime Minister of England at the time when Karl Marx wrote the "Manifesto"? Only a handful of historians could tell you that. They are gone and forgotten; gone with the wind because they created nothing, they left nothing for the human race and Marx was subjected to hardships, exiled from France, exiled from Belgium and was finally able to live in London. Persecuted,

his family starved, and he sat and wrote these books that half the human race is now beginning to get acquainted with and it won't be long until the other half will know a great deal more about it than they do now.

He was a great scholar and thinker. Even his opponents recognized that they could not win an argument or debate with him, be it on politics, be it on history, be it on economics, be it on social science.

After him Leninism is talked about. Lenin came on the scene and he too was persecuted and exiled and spent years in Siberia in a hut living with the peasants with a [fol.1808] guard on the outside watching every move he made. Exiled from there he ran away and lived in Europe and then went back and helped the Russian people set up a new government; overthrow the Czar, which was one of the most despotic rulers in Europe at the time, and set up a new system of government.

Well, there is a lot of talk being made about Stalin. I will show you that he devoted over fifty years of his life to the struggle, the very same thing I am speaking about here. He started for the priesthood as a young boy but was kicked out of seminary because he caught on to the idea that Socialism is going to do something for humanity that no other thing has been able to do in the past and he was exiled and persecuted and he participated in the writing of these books and he is a great statesman and no one will deny that. In fact when George Bernard Shaw died, the only picture found in his home was a picture of Stalin. Now, he was not a Communist. Only pygmies will go around and say things that the prosecution has said about him here. When I say, "pygmies", I mean mental pygmies whose brain you can put in a thimble.

The Court: Do you wish to take a recess at this time?

Mr. Nelson: Yes.

Recess.

[fol.1809] Mr. Cercone: May we approach the bench, your Honor?

The Court: Come forward, gentlemen.

(At side Bar)

Mr. Cercone: Your Honor, I think his opening is really a closing.

The Court: Well, there is a lot of argument to it but nevertheless he has got a right——

Mr. Nelson: I am going to prove——

The Court: Limit yourself to what you are going to prove and you will have another opportunity to argue your case.

Mr. Cercone: I want to object to it as all being argument.

The Court: No, just let him go. If there is anything so far out of line I will stop him but he is going to explain his intentions on it and the means of doing so, but don't [fol. 1810] get into argument with the jury.

Mr. Nelson: I will try to avoid it but I am not experienced on those things,

The Court: You are getting enthusiastic about your points and going into argument. Later on you can do that but outline your case and limit yourself to outlining the case.

Mr. Nelson: All right, your Honor.

(End of side Bar)

Mr. Nelson: Ladies and gentlemen, I was telling you about Marxism-Leninism. I will show you in the course of this trial that this is not such a monstrosity as has been painted here by the prosecution. Of course, they have good reason to argue that it is something terrible. They have reasons to say that these ideas are just as bad as the United States Steel Corporation had to say that unions are bad; the same reasons. They had the reasons and they could always get witnesses to substantiate something they said. There [fol. 1811] are always people who can be bought and say, yes, that's what they are doing. I will show that to you, ladies and gentlemen.

I want to show you, ladies and gentlemen, in the course of this trial, through my witnesses, what Marx had discovered. What is in these books is that which they had found in the world, that the human race has gone through certain developments, through certain stages. We haven't always had the same system as we have now. Of course the prosecu-

tion will tell you that God himself created the system and it's here to stay forever.

Now, Marx points out what is wrong with capitalism. I will show you that this handful of people have the fate of the human race in their hands; they rob the rich, they exploit the people, they make profits for themselves and he says that this was wrong; that that led to unemployment, as I will show you, and that that leads for struggle for markets, where to get raw materials and how to exploit other people and that leads to war. That is what Marxism-Leninism shows and I will show you here and that is why these people are trying to put these books on trial. The present rulers think that all the things of nature were put there for them to wallow in and Marx, as I will show you, indicated that that is wrong, that those things should be used for the people.

Furthermore, ladies and gentlemen, I will show you [fol. 1812] that what seems to be a sort of a terrible thing in this court room, because the prosecution has brought it in, Marxism-Leninism, that nearly half of the human race today lives under the leadership where the Communists are in power. That is hard to believe. Some people can't figure it, these people can't figure it that those things are happening under our very noses in our generation, in our lifetime, my lifetime, that the human race has decided to go on the road to Socialism and that is why these people become panicky here and say, "Lo and behold, if it happens somewhere else it may happen here. The way to stop it"—they say, "is to put this guy Nelson and the Communists on trial; put them in jail, salt them away for a lifetime and no new ideas are going to be brought forth." That's the idea here and that is why Marx's books are on trial.

Well, ladies and gentlemen, Hitler tried that and it didn't work, so did Mussolini, and he ended up by hanging by his heels in a gas station, and so did Tojo and that didn't help and Chiang Kai-shek took millions of dollars in money from us, taxpayers money, and the Chinese people just swept him out into the sea. Yes, they took away the riches from the rich and are using it for the people in those places. As I will show you, you can't take a factory and say, "I am going to get a bunch of men to work for me and they are

going to produce twenty dollars a day for me and I will give them ten." "Nonsense," they say, "you're crazy. [fol. 1813] What we produce we'll share among our people." Those are the Socialistic ideas advanced by Marx and Lenin and Stalin and, ladies and gentlemen, I think those are pretty good ideas. In our country it will be ten times better than in those backward countries where in industry there are trained workers, engineers who know how to handle those things. I will show you in our country we could work four hours a day and get two months vacation with pay if that was the situation. You are not going to get it as long as the steel companies own the industry. They don't get anything out of you when you are not working for them. They only make a profit when you work and that is why these boys don't like to have these books read and discussed.

Ladies and gentlemen, there was a lot of talk about what Socialism would be here and I will tell you what it would be. They are talking about—they take quotes from the "Manifesto". "The Communists want to do away with private property," they say. That is what Musmanno said here. Ladies and gentlemen, do you know that half of Pittsburgh and Allegheny County is owned by six companies? I can name them for you and the rest of the people own about 40% of what is left here. All the other people and six corporations own nearly 70% of the wealth here. What I am talking about is that that wealth, that which was owned by these corporations, should be nationalized and used by the people. Not a house and a garage [fol. 1814] and a car and a little store that you or somebody else may have, and yet they take a quote from the "Manifesto", and they say, as I will show you, that "the Communists want to do away with private property." We want to do away with the monopolies, with the property that is owned by these big giants. Morgan, that controls the Pennsylvania Railroad and U. S. Steel and Pittsburgh Coal; Mellon, who controls the Aluminum Company, Westinghouse, the Traction Company, Duquesne Light and down the line—Crucible Steel and so forth. Those are the things and not the little home that you have out in the suburbs. In fact, you would have a better one than

you could possibly have now if somebody didn't rob you and steal the things from you. And, ladies and gentlemen, I believe that the majority of the people have a right to decide that. We believe that this cannot be done until the majority of the people are ready for it. Now, that is my contention—

Mr. Cercone: I am going to enter an objection here on this speech. He has gone far out of line. The charge against this man is wanting to overthrow the government and he is telling the jury about things not even in the case. He is giving the jury a great speech.

[fol. 1815] The Court: He has gone into his intentions and in your case—

Mr. Cercone: But the way he does it. He is charged with advocating the overthrow of the government.

The Court: That he can explain to the jury. I am letting the man outline his case and what his contentions are, what his theories are and support is by—

Mr. Cercone: I submit that that is not the case.

The Court: Oh, yes, it is. Go on.

Mr. Nelson: Ladies and gentlemen, as I will show you—

The Court: I am limiting you, however, to argue your case later. Just outline it now.

Mr. Cercone: That's what I mean.

[fol. 1816] Mr. Nelson: Your Honor, they have raised the question that "they want to overthrow the Government," that we want to do away with the minority clique.

Mr. Cercone: We proved—

The Court: You proved nothing until the jury decides the issue.

Mr. Nelson: The only thing you proved is that you're in the court room.

The Court: Proceed. We will have no argument between the defendant and counsel for the Commonwealth.

Mr. Nelson: All right, I'm sorry.

The Court: You outline your case and proceed.

Mr. Nelson: The prosecution—

[fol. 1817] The Court: I ruled on it and I am telling you to proceed.

Mr. Nelson: They have raised a question that a minority—that we want to do something to overthrow a minority. I will show you, ladies and gentlemen, that it's impossible to accomplish these aims until the majority believes them. That is my belief, ladies and gentlemen, and the majority has a right to decide when the people of this country are ready, when they tell the Legislators, "We want to have laws enacted to nationalize these industries and run them for the people." I say they have a right to do it and they will do it.

They talk about force and violence by the minority. I will show you that it is nothing but extracting of a few words that apply to different countries, to different conditions. These are general books, the same books are read in Germany. In Germany they apply, yes. There the German Communists have to use force to overthrow Hitler but in the United States we read those works differently, as I will show you, ladies and gentlemen. We read that so long as Democracy exists we will have a chance to advocate these things and when the majority believes in them, they decide what to do with them, what they want. That is my contention, ladies and gentlemen, and that it not what they told you.

[fol. 1818] I will show you, ladies and gentlemen, that Socialism will do away with unemployment, insecurity and war. I will show you what the terrible last depression did to our nation, fifteen million people jobless and incidentally, the only thing that kept the wheels of industry finally going in high gear was war and I submit, ladies and gentlemen, that if the system has to be dependent on prosperity because there is either preparation for war or war, there is something morally wrong with it and I have a right to question it and I have a right to propose a change. My proposal is that Socialism is the ownership of industry through the State, through the people,

We will show you, ladies and gentlemen, in the course of my defense, from my witnesses and through my presentation of the case to you, as I have already indicated, we favor majority rule; that the force and violence that they are talking about is practiced by a minority that doesn't like to give up these riches, just like the slave-

owners didn't want to give up the slaves and organized to overthrow Lincoln's government. At the time they used force and violence, as I will show, and not the people, not the common people; they wouldn't submit. Well, ladies and gentlemen, if these, as I will show, were ready to do that against Lincoln's government on the issue of slavery, I am not sure, but it isn't right that this minority, when [fol. 1819] the majority of the people in this country decided to nationalize these industries, they are going to organize their private gangs and hoodlums and stooges to protect their property rights, which are likely to be nationalized; that is possible. And I could say, no, it's not so, in order to encourage favor with somebody here but no, I will not say so if I thought it was wrong, even if it costs me my life. Ladies and gentlemen, these are important things. These things have to be truthfully stated and my defense will do that. I will not compromise on the beliefs that I have but I will not take the monstrosity, ladies and gentlemen, that the prosecution has brought forward here as being my views.

In the course of this trial, ladies and gentlemen, I will expose the specific lies made here by the statements of the witnesses of the prosecution, who, in my opinion, cut a miserable figure on that chair; all of them, Judge Musmanno, who is a member of the Supreme Court, Cvetic, and Crouch, White and Patterson. Every one of their lies will be exposed. Cvetic lies about killing one-third of the American population. I think you already saw that that is a lie and I will expose the so-called lie about the use of machine guns here. Reference to machine guns, that I said to someone, "Not now, we're going to use them some other time," and his lie about infiltration of industries, I will expose as being nothing else other than the [fol. 1820] wish to work among workers in the industry who ought to listen to my point to you on various questions; that was all there was to it, and stay in these industries without being fired; that was all.

Ladies and gentlemen, I am going to show that this case rests, so far as the prosecution is concerned, on a stool-pigeon, and stool-pigeons are available a dime a dozen ever since the time of Christ. The most famous

stool-pigeon in the world is Judas, as everybody knows. What did he say? What did Judas say? "What will ye give me and I will deliver Him unto you?" "What will you give me?" was the term of Judas. And then what was his job? All he had to do was go up to Jesus and kiss him on the cheek and say, "Master, Master," Just like Cvetic was yelling, "force and violence. Overthrow the Government." He said, in every class that he went into. For thirty-four pieces of silver this time and not thirty pieces of silver as Judas got. They used Judas, as these people, as a witness, and you recall the term of the Bible, "Then they bore false witness," saying—this is what they said against Jesus, that He said, "I will destroy this temple," just like this guy says, "I will destroy this Government," "I will destroy this temple." They said that for thirty pieces of silver and a mess of porridge. They also said this, which was the charge against Jesus, "We found this Fellow perverting the nation." "Perverting the nation." So that you could see Patterson, who worked for seven cents an hour, work [fol. 1821] up to thirty-four dollars a day—quite a little jump and he has goodly reason to lie, as I will show. He knows his nonsense about the talk in the Soviet Union occurred when I came back from the Soviet Union that I made a tour and I spoke in the Anthracite Region. I made at least fifty speeches on what I have seen and being that I was in the mining region, I was interested, ladies and gentlemen, to tell the people what I had seen; the mine that was owned by the big coal operator, owned by the people, and up there where there used to be shacks, sixteen people living in one room in the Czar state, there were new villages and towns built up and modern homes and such in the short thirteen years after they drove out the rich and took over the country. Yes, I spoke about that, there is no secret about that, but that they wouldn't tell you.

Now, ladies and gentlemen, this is not the first sedition trial in our country, as I will show you. Thomas Jefferson was tried on sedition and so were his friends tried on sedition. James Madison was charged with sedition; Gallitin, the great member of our State here, a member of

the Cabinet under Jefferson, was likewise charged with sedition. Why? Because they didn't want a war against France at that time which England was trying to organize and Hamilton and that group in this country wanted to organize. They called them "French Agents", like I am [fol. 1822] being called a "Russian Agent" because they said there is no reason why we have to go to war with France; France has a right to organize her life as they see fit, and there were judges who traveled the country and they tried these people on sedition. Judge Cox went from state to state and people were tried, including a Congressman by the name of Lyons from Vermont was tried on sedition and was thrown in jail because he opposed that war and, ladies and gentlemen, while he was in jail he was re-elected to Congress by the people again and when Jefferson became President, the Sedition Laws were thrown out of the country and were forgotten up until 1919 when in this State the big corporations wanted to stop the organization of the steelworkers and they got this law passed again. And under this law I am being tried, ladies and gentlemen, and this law was used during the Palmer days, after 1920.

I am now being tried under this law because I speak for peace; because I speak for Socialism; because I am opposed to war. For two years now in Pittsburgh, over two years, ladies and gentlemen. I have been subjected to merciless attacks on the part of the Press and radio that I daresay there isn't a person in this City that doesn't believe that I eat at least two babies for breakfast every day. What they have done is work up hysteria from the first day I returned here. Well, these papers are owned by the same boys that own the mills and if you want to [fol. 1823] be a newspaperman you got to write what the boys say or what the boss likes, and unless you do, you have no job. If you want to be a radio man and every time you do tune in to listen you get KDKA, owned by the Mellons. You think those boys are going to give me a break at any time? They got the people of this community so worked up they are sure that there must be something wrong about this guy Nelson, he is a Communist. I will expose those things, ladies and gentlemen.

My wife and my children have been subjected to unmerciless persecution around here. I can't get a doctor in this town. When a doctor gives me a prescription he says, "Please take off my name so in the event you are picked up or arrested they won't know who treated you." And the same about the druggist.

The Court: Well, Mr. Nelson, you are going a little beyond the realm of outlining your case and you are being argumentative. Limit yourself to just outlining the case.

Mr. Nelson: I will be brief, your Honor. I am not a lawyer and I sort of go off the point I want to show and now I'm going to show—and I hope the jury will bear with me, I won't be too long on this point—my Party is being persecuted, as I will show, because we fight for these things I have indicated; for the daily things that the people need and we go along with a lot of other people [fol. 1824] that fight for various things, the F.E.P.C., as I will show you, against the Taft-Hartley, against inflation and all these questions we have fought along with the other people who are interested in those issues.

Ladies and gentlemen, I will have experts explain my points of view; these quotations in the indictment. They will be people who will be qualified to discuss the question. You will have a chance to compare them with the prosecution's witnesses; you will have a chance to judge for yourself whether or not these people are capable or able or will and are telling the real truth. I will have real experts on Marxism, ladies and gentlemen, and I am sorry if we are going to have to go into the matter of books and quotations. The prosecution has called for it and I have no other way to meet it. There are thirty quotations in the indictment and we are going to tear them apart one by one by people who know what it is, who are honest and who are not lying for money, whose integrity is unquestionable and you will have a chance to see what we mean by those quotations. Naturally it will be hard to listen to quotations but I hope you will bear with me. You agreed to be on this jury and I hope you will listen to these quotations, maybe for the first time they are hard to listen to. Sometimes they are abstract. I know, I

had a hard time understanding them the first time. So when you hear them for the first time I hope you will [fol. 1825] listen while we do present the quotations to you, what they are or what they are not. I can guarantee you that we will tear that indictment to shreds. I hope you will be able to rise against the prejudice that I spoke about in this community and give these things the necessary weight because I am not the only one on trial here, ladies and gentlemen, Democracy is on trial, that is what is on trial.

Listen to my defense, though you may disagree with my views, my purpose in stating to you is not to convince you. Now, in this I am sort of at a disadvantage here as to what my real views are. I am not going to do that, I am merely conducting my defense, ladies and gentlemen, and now to show briefly what my views are. My purpose in doing this is to ask you to listen to these things and see whether they are criminal or not; I contend they are not, and I am asking you, whether you agree with my views or whether you bitterly disagree, there is one issue here that if there was no crime intended, if there was no crime committed, then you must give me the right to advocate my views. That is the issue. That is what America is. I may disagree with your views, they say, but you can fight to the death and defend your rights to say them. That was the period of Roosevelt but now we are going on another road. They says it's a crime to advocate peace. I say it's not and I'll show you. They say it's a crime [fol. 1826] to advocate peace, while they support and advocate and actually make war and make lots of profit out of it and you don't see any Heinzes or Mellons over in Korea, do you? They are right here coining in bloody cash when the sons of coal miners and steelworkers are sent over there to fight against the dangers eight thousand miles away.

The Court: Don't argue, Mr. Nelson. Argue after the case.

Mr. Nelson: I am winding up and I will finish up in a few minutes.

The Court: Just don't indulge in argument at this time.

Mr. Nelson: Ladies and gentlemen, the time is coming when these things are going to be seen through by the people. Right now it's hard but they will be through it. My defense will be not to beg for forgiveness; not to beg for forgiveness for I committed no wrong. I will show that the criminals are, ladies and gentlemen, with those that are trying to persecute me.

Thank you.

The Court: We will recess at this time until one o'clock when the first witness may be called.

[fol. 1827] Afternoon session.

DR. HERBERT APTHEKER, as witness called by the defendant, being duly sworn, testified as follows:

Direct examination.

Mr. Cercone: May we come to side bar a minute, your Honor?

The Court: Yes. Swear the witness.

(At side bar)

Mr. Cercone: If I recall, when the Commonwealth was putting in its case, some of our witnesses were asked to leave the room at the time another was testifying. I think it should be done with the defense.

The Court: We didn't ask anybody but the one.

Mr. Nelson: On the re-cross one was asked to leave while another was on the stand. Crouch was here all along and also Cvetic.

[fol. 1828] The Court: Motion refused.

(End side bar)

Mr. Nelson:

Q. Where do you reside, sir?

A. Brooklyn.

The Court: What is your name first?

A. My name is Herbert Apthekar.

Mr. Cercone: How do you spell that?

A. A-P-T-H-E-K-E-R

Mr. Nelson :

Q. Are you married?

A. Yes, sir.

Q. Do you have any children?

A. I have one little girl.

Q. Are you a doctor of philosophy?

A. Yes, sir.

Q. From what universities did you obtain your degree?

A. Columbia University in the City of New York.

Q. When did you obtain your degree?

A. In 1943.

Q. What was your thesis in which you majored?

[fol. 1829] A. I majored in American History.

Q. I understand you also have a degree of Bachelor of Science. Is that right?

A. Yes, sir, it is right.

Q. From what university did you obtain that?

A. Columbia University also.

Q. When was that?

A. 1936.

Q. You also have a degree of Master of Arts, haven't you?

A. Yes, sir.

Q. And from what university did you obtain that?

A. Also Columbia University.

Q. And when?

A. 1937.

Q. Have you written any articles or reviews that were printed in various periodicals?

A. Yes, sir, I have.

Q. What periodicals do they appear in, can you mention them please?

A. There have been quite a few and some I may omit in terms of my memory, but I will do the best I can. I have had articles on reviews published in the American Historical Review, which is published by the Historical Association and also the Pennsylvania Magazine of History. The Political Science Quarterly, which is published by the Faculty of Columbia University. The Journal of Negro History which is published by the Association for the

Study of Negro Life and the Journal by the Negro published by Howard University, the Thylon Quarterly published by the Atlanta University in Georgia; New Masses; Main Stream Masses & Main Stream; all of which were and some of which were Left Wing, oriented and cultured. They were in the field of culture, better magazines; Opportunity, a monthly magazine published by the National Urban League, and the Negro Digest, a well known magazine. I dare so there are others and at the moment I cannot think of them.

Q. What books or pamphlets have you written, if any?

A. Again several. In order, I think they run this way. The Negro in the Civil War.

Q. Just a moment. Is this the one you were talking about, Negro in the Civil War, Doctor?

A. Yes, sir, that is it.

Q. And that is obtainable in the Carnegie Library, is it not?

A. Yes, sir.

Q. When did you publish that, your first pamphlet?

A. In 1938.

Q. What were the others that were printed or published?

A. In 1939 there was a booklet which was called "Negro Slave Revolution of the United States", 1526 to 1860.

Mr. Cercone: What is the date of the title?

A. 1526-1860. The date of publication was 1939.

Q. 1939?

A. Right.

[fol. 1831] Q. Just a moment. Negro Slave Revolution, did you say, in the United States?

A. Yes, sir.

Q. Is that this pamphlet?

A. Yes, sir.

Q. When did you publish that?

A. In 1939.

Q. What are the others you mentioned?

A. In 1940 the Negro in the American Revolution.

Q. That is this pamphlet here, is it, that I showed you?

A. Yes, sir.

Q. And this too is circulated by the Carnegie Library. Is that right?

A. Yes, sir.

Q. What is the one you published after that?

A. In 1941, the Negro in the Abolitionist Movement.

Q. And that is this pamphlet here?

A. Yes, sir.

Q. That dealt with what, with the Abolitionist Movement?

A. It dealt with the character of the Abolitionist Movement and most particularly the role of the Negro people in that movement.

Q. That too, if you notice is available in the Public Library in the Pittsburgh Carnegie Library, is that right?

A. Yes, sir.

Q. What are the other books you published?

A. I am afraid I skipped one—no—no—I did not. In [fol. 1832] 1943 there was a book published called "The American Negro Slave Revolution" which was published by Columbia University Press.

The Court: Is that a different book than the Negro Slave Revolution in the United States?

A. The Slave Revolution is a pamphlet of 72 pages and this book has 400 pages.

Mr. Nelson:

Q. You are talking about the book published?

A. Yes.

Q. When was that published?

A. 1943 and it has been reprinted.

Q. How was this book brought out, had you published it yourself?

A. No, I didn't publish any of them myself. It is the Columbia University Press.

Q. Did it have anything to do with the University, the fact they put it out?

Mr. Cercone: I object to that, the fact they put it out.
The Court: Overrule the objection. Answer the question.

A. Well, it was a dissertation which was accepted by the [fol. 1833] faculty after a fairly strenuous moral exhibit and they decided to publish it.

Mr. Nelson:

Q. That is the book running up to 400 pages—would you state it briefly?

A. It deals with the matter of enslavement of the Negro people, that is a system of slavery. It deals with machinery of control by the slaves, the enslavement of the Negro people and it deals with the response of the Negro people to the enslavement until the rebellion.

Q. What other books are published, Dr. Aptheker, or pamphlets, can you recall?

A. In 1946 there was a book called *The Negro People in America*, the title of which is a critique of Myrdal's *American Dilemma*, and that was in 1946.

Q. And that was a critique of the history by some other historian, was it?

A. Not especially history, although it is history. Myrdal's is a two volume, which is largely social rather than history but there is historical background in it.

Q. What are the others you published, Doctor, or you wrote?

A. 1947 I believe, I am not absolutely certain, around 1947, the Association for the Study of Negro Life and History was published, some of my works which is called *Negro Casualties in the Civil War*. I don't recognize it there.

Q. I don't see it here but that is right.

Q. Is that a book or pamphlet?

[fol. 1834] A. A pamphlet of 60 pages I would say.

Q. What are the others you published or you wrote?

A. I skipped one. In 1945 a book called *Essays and The History of the American Negro*.

Q. Is that this book I show you?

A. Yes, sir, that was in 1945.

Q. What does that deal with—just a couple of sentences?

A. It deals with some main exposures of the *History of the Negro People through the Civil War*.

Q. And what are the others, the other books you have published, Doctor?

A. In 1948 a book which was called To Be Free.

Q. That is this one I show you?

A. Yes, sir.

Q. What does that deal with?

A. That deals with still other exposures of the History of the Negro People and goes further than the Civil War. That goes through till 1876.

Q. Would you mention others you have written, Doctor?

A. In 1949 I published a little small pamphlet which is called the Schlessinger Fraud. It is a critic or a book by Professor Arthur M. Schlessinger, Jr., of Harvard.

Q. That is this little pamphlet?

A. Yes, sir.

Q. What does this criticism deal with?

A. It deals with Mr. Schlessinger's book and is called the Vital Center, and it attempts to give a Marxist analysis, [fol. 1835] critique of this work by Mr. Schlesinger.

Q. Any others that you could briefly tell the jury that you have written here, any other books?

A. In 1950.

The Court:

Q. Pardon me, Doctor, just a moment. You say your pamphlet, the Schlessinger Fraud criticized the Vital Center—is that an attempt to analyze Marxist theory, or was your book so intended?

A. It was an attempt.

Q. Vital Center?

A. No. The pamphlet was not my pamphlet, it was frankly presented from the Marxist point of view and I tried to use that point of view to criticize Mr. Schlessinger.

Mr. Nelson:

Q. Did you write a pamphlet Negro People in America?

A. Yes, sir. I believe I mentioned that.

Q. I want to call your attention to it. Are they available in the public library in Pittsburgh?

A. Yes, sir.

Q. And I think we did not speak of the one you wrote also, did you not, called **To Be Free**.

A. I think we did mention that, yes, sir.

Q. **To Be Free?**

[fol. 1836] A. Yes, sir. I believe there are three other items.

Q. All right. Will you mention the ones we didn't go into?

A. In 1950 or 1949, I am not absolutely certain, a little pamphlet was written by me which was called "**Why Defend the Rights of Communism**".

Q. You don't have that here, do you?

A. I don't see it there, no, sir. And in 1951 a pamphlet you have in your hand was written called "**American, Races and Laws**".

Q. What does that deal with, Doctor?

Q. It deals with the facts that there are laws, both Federal, State and City in various parts of the country which are based upon a Marxist concept. That is a concept of the inferiority of one people as compared to another. Most particularly in this country the Races' laws discriminate against the Negro people although there are laws in some areas which discriminate against other people. This pamphlet more or less distorts Negroes and Democracies and there are such kinds of legislation, Federal, State and City.

Q. And am I right or am I wrong about the fact that one of your latest books is a book called **The Documentary History of the Negro People in the United States**, a work 950 pages long and this is one of your most recent books. Isn't that right, Doctor?

A. Yes, sir. That is the last and was published in 1951, I think.

Q. And by whom?

A. It was in November, 1951 and was by the Citadel Press in New York.

[fol. 1837] Q. What does this book deal with, Doctor Aptheker? I know it is a long thing but just the subject?

A. It attempts to pass, in a word, on the Negro people. That is why it is called **Documentary**, in the word of the Negro people, men and women and in some case children to have them voice their own history. The first document

stated 1661 and the last one was dated 1910, that is through the foundation of the magazine, through the national association of the advancement of the colored people.

Q. Did Dr. W. E. DuBois write an introduction to the book?

A. Yes, sir. He wrote the preface.

Q. Does he recommend the book and what does he say?

Mr. Cercone: That is objected to and is not competent.

The Court: What he recommends isn't material to the questions of this man to specify as to something further. That is a publication, is it not? Objection sustained.

Mr. Nelson:

Q. Which one of these books is it you wrote when you got your Master's at Columbia?

A. That was never published and is a thesis at the Columbia Library.

[fol. 1838] Q. Didn't you put out a work under the sponsorship of the Guggenheim Scholarship?

A. No, sir, not a publication.

Q. That is a thesis you are testifying about. Is that right?

A. The Master thesis, yes. That was much earlier, from 1936 to 1937 that I wrote that.

Q. Were you asked by the United States Army to write a book which they published at anytime?

A. I was asked to participate in the writing of such a book and I did.

Q. When was that published?

A. In 1946, in either '45 or '46. I think 1946.

Q. What was the title of that book?

A. It was the History of the Army Ground Forces of the United States.

Q. Is that a major work or a small pamphlet?

A. It was about 150 pages, I believe.

Q. And you were one of the writers—you worked with others to get that book out, is that right?

A. I think it is fair to say that I was the major author and I worked under two colonels, a Colonel Mathews, in charge of this, and a Lieutenant Colonel Ley, who was his assistant.

Q. What does that book deal with, just briefly?

A. Well, it deals with the history of the organization of the Army Ground Forces, its character and its conduct in this country. It does not deal with the activity of the Army [fol. 1839] Ground Forces outside of the Continental limits of the United States.

Q. Did you write an article called Literacy and the Negro in World War 2? Did you write that for the Army?

A. Not for the Army.

Q. Did the Army publish that or ask you to republish that?

A. Yes.

Q. Where was it republished?

A. It was called Literacy, the Negro in World War Two and it appeared first in the Negro Journal which was published, I think, by Howard University and shortly after it appeared, I think, in the Fall or it happened in the Fall of 1940 I received a letter from the Adjutant General of the United States Army asking my permission for the Army to reprint the literature and said he wanted to distribute it to the officers of the Army and I gave permission and it has been reprinted.

Q. Doctor, you have seen a number of books that were brought out; has any of your work been published of any major articles referred to, major articles or magazines studied by social scientists? Have they been published and used as reviews?

A. Yes, sir, I think a good deal.

Q. Can you mention just a few—where, who the lecturer or writer was?

Mr. Cercone: That is objected to as being far afield.
[fol. 1840] The Court: It is far afield whether someone referred to them as for approval or disapproval. It doesn't relate to the questions put to the witness at this time and the objection is sustained.

Mr. Nelson:

Q. You were in the Army during the last War?

A. Yes, sir.

Q. Were you honorably discharged?

A. Yes, sir.

Q. What was your rank in the Army, if any—what position did you hold in the Army?

A. I was promoted several times and I began as a private and separated from the Service as a Major.

Q. A Major?

A. Yes, sir.

Q. What branch of Service were you in, were you a Major in?

A. The Field Artillery.

Q. Did you see combat service?

A. Yes, sir.

Q. Where?

A. Germany, France, Belgium and Holland.

Q. In 1940 were you awarded an annual prize of the association for the Study of Negro Life or History—I don't know if you mentioned that?

[fol. 1842] Mr. Nelson:

Q. Will you please explain, Dr. Aptheker, the question asked of you?

Mr. Cercone: That is objected to.

The Court: The time to make an objection is when the question is put to him on certain matters. We will let the question be extended to ask any subsequent question.

Mr. Nelson: I want to show he is a historian and is able to discuss the subject.

The Court: You will be permitted to do so before he is asked to answer questions on the subject.

Mr. Nelson:

Q. Would you please explain now what is the Guggenheim Fellowship?

A. It is an award made annually by the John Simon Guggenheim Memorial Foundation to a fairly limited number of recognized scholars in the United States.

Q. Does it cover any range of subjects?

A. No, sir. It is not limited to any area.

Q. In the course of your writings have you also made and delivered lectures on these topics before various people, universities, libraries and so forth?

A. Yes. I have lectured very extensively on a whole range of subjects before many universities and public rooms [fol. 1843] throughout the country for many years.

Q. Would you name such a few?

A. Well, before the entire student body sometimes or before a recognized campus group in Columbia, in Yale and in Harvard and in Boston College and in Wayne University; the University of North Carolina, in North Carolina College for Negroes and the Allen University and the Benedict College and the University of Minnesota, the University of Wisconsin, San Francisco College, the City College of New York, Brooklyn College and New York University. I don't know how many I have named but there are probably more.

Q. What was the range of subjects talked or discussed at these universities and other bodies you have mentioned here? Just a few so we can get an idea of the subject range you covered?

A. I would discuss such subjects and topics as the History of the Negro People, the History of the Labor Movement in the United States; the Political History of Our Country. I would discuss Marxism, the theory of Marxism as applied, for example, to the State—what is the Leninist-Marxist idea about the State as applied to a revolution. I have discussed and debated with, for example, Professor Schlessinger of Harvard, detailed on the Queens. Such questions as the position of Marxism-Leninism of thinking on conditions of today. I have talked to attorneys and before these groups of [fol. 1844] all sorts, Nazi situation of Germany and so on.

Q. So besides writing books and lecturing do you also edit magazines or books or publish magazines?

A. I am an associate editor of Masses and Main Stream.

[fol. 1845] Q. What is the Masses and Main Stream?

A. It is a monthly magazine largely political and cultural. It can perhaps be best explained by explaining the name, it is a rather peculiar name, Masses and Main Stream. Masses is the fact this magazine is a continuation of a magazine which was called Masses and was founded in 1911 by people like John Reid and Mr. Young and others. And Main Stream was a name of a quarterly magazine of the Marxist orientation which was published in 1947. Masses and Main

Stream under the present rather difficult conditions for magazines of the type of orientation referred to a combination of these two, one formerly a monthly and weekly and one a quarterly. And we now put out and I help edit this monthly magazine.

Q. Doctor, were you a member of the Communist Party during the period prior to and covering the period under this indictment, August 31st, 1951?

A. Yes, sir.

Q. 1950 I mean, I should say?

A. Yes.

Q. When did you join the Communist Party?

A. 1939.

Q. In 1939?

A. Yes.

Q. Do you lecture or teach before any bodies or groups on the Marxist ideas, Marxist concepts and things besides [fol. 1846] these universities you spoke about and librarys and debates in these colleges. Do you also teach before any groups that are organized by Communists or members of the Communist Party?

A. Yes.

Q. What range of subjects do you teach in those classes?

A. Very much like I indicated before. The full range of Marxism Leninism, of all the classics of Marxism Leninism and also many particularly of what I hope is a Marxist Leninist interpretation of American History.

Q. You said you joined the Communist Party in 1939?

A. Yes.

Q. Why did you join the Communist Party?

Mr. Cercone: This is objected to, your Honor, as to why. The Court: Reasons are necessary.

Mr. Nelson:

Q. So you did nothing in the way of crime to be a member? I want the jury to know why you joined it.

Mr. Cercone: This is objected to.

The Court: Objection sustained. His reasons for joining it is not involved.

Mr. Nelson: I don't want the prosecutor to say this man isn't qualified to ask the question.

[fol. 1847] The Court: That is what we are determining now, and the thought of why he joined it doesn't have anything to do with it now.

Mr. Nelson:

Q. Have you lectured before Communist Parties of the Communist Party? I presume you have in New York City on these subjects you are familiar with?

A. Yes.

Q. I believe you answered that question?

A. Yes.

Q. Well, did you lecture at these meetings of the Communist Party or to these groups and bodies on problems that are raised in the Communist book, Manifesto, called Marxist Capitalist Foundation of the Revolution; History of the Communist Party of the Soviet Union, Twilight of World Capitalism by William Z Foster, the Proletariat Revolution. Did you use the material and did you read those books? Did you lecture on what is covered in these books?

A. Yes. I did that and have done that for ten years and do it regularly now.

Q. Have you made a study of these books—are you familiar with them, Doctor?

A. Yes, I have studied them.

Q. You have studied them?

A. Yes.

[fol. 1848] Q. I presume you studied the work of Karl Marx and Frederick Engels extensively. Is that right?

A. Yes, sir.

Q. How many books by Marxist and Engels would you say you have read and studied? Would you care to cite the titles of the scores of them?

A. By Marx and Engels?

Q. Yes.

A. Marx, Engels Manifesto of the Communist league; the classes of Marx and Engels, called Marx' Capitalism in three volumes.

Q. How many pages do they run into about?

A. I would say about 2500.

Q. And what are some of the others?

A. The Civil War in the United States, some by Marx and some by Engals and the Civil War in France by Marx and then the 1800 of Louie Napoleon by Marx; the Party of Philosophies by Marx; the condition of the working class in England by Engals.

Q. That is an old book is it not?

A. 1845.

Q. 1845?

A. Yes. A book by Engals which is properly called Anti During.

Q. That is a book dealing with a philosopher, isn't it?

A. Yes, was published by Engals.

Q. Have you studied the writings of Lenin whose books are on trial here like the State Revolution and others?

A. Yes, I have.

[fol. 1849] Q. Could you mention a few of them?

The Court: The books are in evidence rather than on trial.

Mr. Nelson: My contention is this, your Honor.

The Court: He is on trial, not the book. The books are in evidence.

Mr. Nelson: If I didn't read the books I wouldn't have been on trial.

Mr. Nelson:

Q. Then have you read any books by Lenin?

A. Yes, I have.

Q. How many books would you say you read that were written by Lenin?

A. How many?

Q. Well, how many, well roughly. I don't say the number which, a response by title?

A. State and Revolution; Imperialism; Materialism and Imperio-Orientalism, which is the work and philosophy by Lenin, since he laid the work at the time, his collected works. I have made a conscientious effort as a matter of fact to read everything I could find written by Lenin.

Q. And that is about would you say, how many volumes are available to you written by Lenin, 21 or 22?

A. Probably more. I would say about 30.

[fol. 1850] Q. Have you studied the life of Joseph Stalin, the Premier of the Soviet Union?

A. Yes, I have.

Q. Which ones, will you mention a few?

A. The Volume Marxism and the National Question, his work on Linguist.

Q. That is dealing with what, Doctor?

A. With the matter of language and its rule and society. I have made, to the best of my ability, a complete effort to read whatever of his was available to me and to study it.

Q. Have you made a study of the lives of these men?

A. Yes, I have studied their lives.

Q. Marx, Engels, Lenin and Stalin?

A. Yes, sir.

Q. You are familiar with their biographies and what they have done in their lifetime?

A. Yes.

Q. Have you made a study of the history of the period of time in which Marx, Engels, Lenin and Stalin had lived and in which particular place they operated and worked and their time?

A. Yes, I have.

Q. Does that cover a wide range of places and activities?

A. Oh, yes. It covers all Europe. In the case of Marx and Engels and the relationship with the United States and also the case of Lenin and it covers a period of a century, a little more than a century.

[fol. 1851] Q. You stated here that you made a study of Marxist studies or activities in connection with the United States?

A. Yes.

Q. What did you have in mind when you stated that—what did he do in relation to the United States that you have in mind?

A. Well, several things.

Q. Will you mention just a few?

A. Yes. Marx was very free with several of the refugees from the unsuccessful 1848 Revolution in Germany. He knew personally people like Weydemeyer and he corresponded.

Q. Who is Weydemeyer by the way?

A. He was an editor and a surveyor. As a matter of fact he surveyed Central Park back in my New York and he edited magazines and newspapers and worked at his craft as a surveyor and as a leading pioneer of Marxist of this country back in the 1850's. He was also an active abolitionist and, for example, he participated in the Civil War and rose to a very high rank in the Army. The point I was making, Marx was in contact with such people and they corresponded and they wrote one another, they wrote one to the other and frequently discussed questions of politics and economics in relationship to the United States. In fact, the first purpose of the Marxist books, the 18th premier, appeared in a New York magazine edited by We-demeyer, as a matter of fact.

Q. You stated that Karl Marx was active on certain old problems on issues affecting the United States—do you [fol. 1852] recall whether or not he had any opinion or were they known generally in relation to the Civil War?

A. Marx was very active in the Civil War.

Q. You mean in support of the Civil War?

A. Yes.

Q. Is that what you mean?

A. Yes. I was going to say as a matter of fact Marx was the main one in Europe before the Civil War and after. He was the main correspondent for the New York Tribune at the time before the Civil War and after, because the New York Tribune at the time was widely known.

Mr. Cercone: This is away far afield. We are interested in how the books are used in Pittsburgh.

Mr. Nelson: You are in a hurry and you are getting it, too. Just keep your shirt on.

The Court: He is explaining what they are.

Mr. Nelson: You are getting it thrown into your teeth.

Mr. Cercone: Don't talk to me. Talk to the Judge. Do [fol. 1853] you want to continue ahead in an orderly fashion or recess? Proceed. However, if the District Attorney is satisfied with the questions of the witness you need not prolong it.

Mr. Nelson: I want to be sure the jury knows that a man, that he is intelligently and has knowledge about discussing

these questions and matters charlatan like you pick up out of the gutter.

The Court: We will consider his answer.

Mr. Nelson: Marxism is on trial and I want to know — this man knows what it is.

Mr. Cercone: This man isn't on trial.

The Court: As far as an elaboration on Marxism, it needs no elaboration.

Mr. Nelson:

Q. All right, Doctor, have you written anything dealing with Karl Marx; have you written any articles or pamphlets or treatises dealing with Marx on these Marx subjects?

A. Yes, I have.

[fol. 1854] Q. Will you mention a few, please?

A. Well, first of all, everything that I have written, I have written—my greatest debt in terms of my writing is to Marx. That is, he has influenced my thinking more than any other single writer. And in my various books and pamphlets I have acknowledged this and have written and spoken in terms of this fact. I have also published articles which deal with specific questions in terms of Marxism Leninism, for example, in the magazine I mentioned, Main Stream. I published an article about five years ago which was entitled a History and Reality—and in that rather long article I tried to explain the meaning of what we call Historic Materialism, that is the Marxist interpretation of history and the whole contents of the article was an explanation of the Marxist viewpoint as applied to history. This is typical of things I have written.

Q. Would you say that the books you wrote on other subjects like dealing with the Negro question, the Negro history and so forth, do they, too, contain the Marxist approach to history as a result of your study of Marxism?

A. Yes, to the best of my ability they do.

Q. And you have always submitted that and proclaimed that that was your specific virtue in putting out these books, isn't that right, Doctor?

A. Yes, I have always indicated this viewpoint.

[fol. 1855] The Court:

Q. In other words, you indicated the Marxist viewpoint in all of your writings or in most?

A. In practically all of them, yes, sir.

Mr. Nelson:

Q. So that it can be stated then as a scholar and a student of philosophy and historian that you have, over a period of years, you have been studying these matters and you have been acquainted with Marxism and you have used it in your work, your scientific work. Is that right?

A. Yes, sir.

Q. Likewise you do the same thing at these lectures and that you deliver before the Communist Party when you speak there, is that right?

A. Yes, sir.

Q. And you do the same thing when you speak at the University—you don't deny being a Marxist when you are in a University Body?

A. No.

Q. You represent the Marxist views in these debates, is that right?

A. Yes.

Q. When you debated Professor Schlesinger let it known you were a Marxist or not known?

A. It was known.

Q. That was not long ago—how long ago was it, Doctor?
[fol. 1856] A. I think 1948. It may have been 1949.

Q. Do you read the Marxist periodicals that are in the box over there?

A. Political Affairs.

Q. Masses and Main Stream?

A. Yes. I edit Masses and Main Stream.

Q. Did you ever contribute articles to Political Affairs?

A. Yes, I have.

Q. Then by reason of your membership in the Communist Party, Doctor, during the period of this trial and your study of the history of the Marxist writings and lecturing and so forth, you would state, wouldn't you, that you are qualified, that you are a Marxist and that you are

qualified to present Marxist views on most questions. Isn't that right?

A. Yes. If I am not that I am nothing at all.

Q. If you are not that you are nothing at all?

A. No, sir. That is my whole life.

Q. Now are these principles that are contained in these books that are brought here as evidence by the prosecution, are these principles testified by the Communist Party of the United States and by you and these classes where you lectured and taught?

A. To the best of my ability, yes, sir.

Q. And the American Communist Party reads these books and its leaders conclude how they are going to prepare various questions as they apply to the United States. Is that right?

[fol. 1857] A. Yes, sir.

Q. And you do the same thing, is that right?

A. Certainly.

Q. So that the principles of Marxism-Leninism are taught by the Communist Party of the United States?

A. Yes, sir.

Q. Now then, in the time that you have been a member of the Communist Party since 1939, following the time you were away in Service, do you know of your own knowledge of any Communist who advocated force and violence?

A. Never.

Q. Well, did you hear of any member, let us say a rank and file member who just joined and not familiar with the books and have gotten the idea that is what the Communists wanted to do in reading the Hearst papers or some other papers. What would be the position of such a member to the Communist Party who advocated such force and violence?

A. He would be expelled from the Party.

Q. He would be expelled for advocating force and violence or terrorism against the people?

A. Certainly. That is in the Party's Constitution.

Q. That is in the Party's Constitution?

A. Yes.

Q. Could you briefly find a reference to that or maybe we better do that later after we get through covering this thing, your Honor?

[fol. 1858] The Court: Aren't you through now?

Mr. Nelson: In a few minutes.

Mr. Nelson:

Q. Does the Communist Party advocate force of violence as a means of advancing or making political changes in the country?

A. No, sir.

Q. Does it advocate terrorism?

A. No, sir.

Q. Do you advocate attacks, physical attacks upon government officials?

A. Not only does not, it denounces such kinds of activity.

Q. Why?

A. Because it violates the principles of Marxism-Leninism.

Q. How does it violate the principles of Marxism—of that in this instance?

A. Because the whole essence of Marxism-Leninism in terms of what we are now discussing is a major concern, is the concern for the will of the majority of the people and the giving of organized expression to that will. Marxism-Leninism is the contrary of anarchism or what Lenin once called Blanquinism.

Q. That is a person from the history of the French struggle, isn't that right, of 1871?

A. Yes, sir, Louie Blanquin, of France.

Q. What did he propose to do?

[fol. 1859] A. Blanquin advocated sort of a palace revolution, his type of concept. It is very much like the Hollywood perception of the Revolution, where you have the hero crying out to Betty Grable, kiss me and I will call off the revolution. This type of absurd individual type of activity. This was explicitly and many times denounced and argued again. As a matter of fact this type of Marxism and Leninism is in conflict with this type of approach.

Q. So your contention as a Marxist is composed is that

the Marxist call for a rule by the majority rather than a crack push? Is that right?

A. Oh, absolutely.

Q. And then it is your view, is it not, that the Marxist view as we American Communists understand it, is that these ideas that we hold should be advanced by peaceful means. Is that right?

A. Yes.

Q. So in connection with the criticism that you say Marx wrote of Blanquin who wanted to have a palace revolution, you say the Communist rejected it by criticism of Blanquin?

A. Yes. Actually the criticism I had in mind was Engels in a letter specifically referred to the 1870's, to the fantasy of Blanquin terrorist for his capture of power.

The Court:

Q. Do I understand by that that Engels did advocate [fol. 1860] the use of revolution if Marx criticized Engels in that respect?

A. No, sir. What I said is that Engels, the interrogator, asked whether Marx had a cabinet. The specific reference I had in mind was Engels. Engels specifically mentioned Blanquin in his letters and within his studies.

Mr. Nelson:

Q. He was a friend of Marx?

A. Yes, one of the founders of Marxism.

Q. Do you, as a Communist, desire a peaceful change toward Socialism in the United States?

A. Yes.

Q. Does the Communist Party of the United States desire to do the same?

A. That is correct.

Q. To accomplish Socialism by peaceful means?

A. Certainly.

Q. Do you know whether at anytime members of the Communist Party had requested anyone to take certain measures to overthrow the Government by force in the State of Pennsylvania or the Government of the United States?

A. No, sir; it is impossible.

Q. Why is it impossible?

A. Well, first of all I repeat the Constitution of the Communist Party requires the expulsion of anyone who advocates for persons or desires or calls on or wants terrorism for the forcible overthrow of any government. And in the second place, the whole assumption, the whole content of Marxism-Leninism is as the Communist Manifesto says. This is a movement of the majority of the people by the majority of the people in the opening passage. It is one of the opening passages of the Communist Manifesto.

Q. Does the Communist Party of the United States at anytime, to your knowledge or your experience, did it ever incite or encourage anyone to do an overt act or to act with a view to bring the Government of the United States, the State of Pennsylvania, in disruption?

A. No.

Q. That is in disrepute?

A. No.

Q. And I state hatred, in the contents, in the language of the indictment?

A. No.

Q. What does the Communist Party in the United States or did the Communist Party of the United States at anytime incite or encourage anyone to commit an overt act on a person, the Government of the United States or the State of Pennsylvania in hatred or intent by the sale of literature, given in distribution of printed books and documents which teach force and violence?

A. No.

Q. To your knowledge is the Communist Party of Western Pennsylvania an adherent generally to the principles [fol. 1862] of the Communist Party of the United States?

A. It is.

Q. And do you know any member or members in Allegheny County here in Pittsburgh who advocated force and violence as a means of accomplishing political aims?

A. Certainly not.

Q. Do you know or does the Communist Party at anytime organize or help to organize an organization in Al-

leghey County or in Pennsylvania which is advocating sedition or seditious work, a society or group?

A. No.

Q. Does the Communist Party of the United States at anytime make and publish and distribute and cause to be made and published or have in its possession with an intent to publish and distribute any writing, publication, printing or other thing which intends as its aim and cause to be made an outbreak and demonstration of violence in the Government against the State of Pennsylvania and the United States. I am sorry if the question is cumbersome, but that is the language of the indictment and I think you know what I mean?

A. Yes. I followed the question and the answer to the question is certainly not.

Q. Did the Communist Party of the United States at anytime or does it now propose to publish and distribute and cause to be made and published and distributed and [fol. 1863] have in its possession with intent to publish and distribute lies, publications, prints, cuts and cartoons, the intent of which is to incite anyone to personal injury to an officer or officers of the State of Pennsylvania or an officer and officers of the United States?

A. Absolutely not.

Mr. Nelson: May we have a break, your Honor?

The Court: I was going to continue until a quarter of three and break until three o'clock.

Defendant: I was going into another matter and it will be convenient to break now.

The Court: I have no objection. Recess the jury until a quarter of three. (It is now 2:35 p. m.)

Mr. Nelson: Just one or two questions before we go into the main item, your Honor.

Mr. Nelson:

Q. Are you associated with any school or organization where you teach classes of Marxism, Dr. Aptheker?

A. I teach at the Jefferson School, Social Science and New York City.

Q. Do you teach there at the present time?

[fol. 1864] A. Yes.

Q. Lecture?

A. Yes

Q. And I presume you deal with the topics that you covered in your books on positions of the Communist Party and various questions, is that right?

A. Yes. I teach course called Philosophy of History.

Q. Called what?

A. Philosophy of History.

Q. Is that a Marxist course you give there?

A. Yes. I attempted to present the Marxist position on history. I also give a course there on its seminar, a course on methods of research and how to write history, and I also teach a great deal of time and have another course on the History of the American Negro People. I also taught a course based on William Z. Foster book, his outline of the book. I taught history in the North and the South.

Q. Did you collaborate with Mr. Foster in putting out this book, Political History of the Western Hemisphere?

A. I think collaborate is a little bit off there.

Q. You don't want to take that much credit, but you worked with him?

A. Yes. I read most of his volume and made suggestions and criticisms, some of which are incorporated in the book, and Mr. Foster knows that.

Q. Just one more question, Doctor: when did you start [fol. 1865] writing this book, A Documentary Evidenced History of the Negro People?

A. Well, that has been mostly my life work. I thought of it in 1936 and I had been working on it, time permitting, 15 years.

Q. At that time you were a Marxist when you started to prepare for this book, were you not, or were you coming close to it. Is that it?

A. I was pretty young and I won't say I was a Marxist but I was learning and studying and reading.

Q. Would you care to state briefly how much research or effort you had to put into it to turn out this book of 900 pages on this history?

Mr. Cercone: That is objected to, your Honor.
The Court: Objection sustained.

Mr. Nelson:

Q. I mean by that, you must have made a voluminous study of documents and materials that was not readily available, did you not?

A. Yes, sir. Practically all of that had long been published.

Q. Where did you get that information?

A. The State Library and Archives, some individual people and family papers all over the country.

Q. How many documents are cited there roughly?

A. I would say six or seven hundred documents are reprinted there or something like that.

[fol. 1866] Q. All right, now. So that the jurors will know exactly what I am trying to show through this witness or Professor, Dr. Aptheker. I want to call your attention to Count No. 12 in the indictment in which there are scores of quotations, in fact, there are 30 quotations from these books. And my contention is that they are distorted. Is that correct, out of their meaning?

Mr. Cercone: Your Honor?

The Court: It is stated and restated and it does not make any difference if it is stated again.

Mr. Nelson: I want to intelligently go into the question so the people know what we are talking about. They are conflicting and it is a matter for classroom and debate.

The Court: You have outlined your contention to the jury. Proceed.

Mr. Nelson:

Q. Dr. Aptheker, are you familiar with the pamphlet, Exhibit No. 15, which the Commonwealth marked the Communist Manifesto?

A. Yes, I am.

Q. That is by Karl Marx and Friedrich Engels? Just [fol. 1867] by the way of background you stated this was published in 1848. Is that right?

A. Correct.

Q. And was written by Karl Marx and Engels?

A. That is right.

Q. And under what conditions was this pamphlet written? What was the condition when the pamphlet was written?

Mr. Cereone: That is objected to as going into another field, your Honor.

The Court: Overrule the objection and answer the question.

A. It was a period of great turmoil in Europe as indicated by the fact, for example, that 1848 saw many uprisings of the people of Europe, Ireland, Germany and France against intolerable tyranny and oppression and against the consistent sociable repressions or oppressions of the will of the people of Europe. There was certain basic democratic rights such as an example, for the right to vote and the right to be elected and so on. There was a period of great unrest and turmoil for democratic striving on the part of the European people.

Q. You mean by democratic striving within, by that they voted against monopolies which there was and they had no right to vote?

A. That is correct. They fought against outright tyranny, *try*anny of absolute monarchy. Ireland was one against the aid.

Q. You mean aid in Ireland by a foreign foe?

A. By Great Britain.

Q. Just one more question, a word regarding the Manifesto—such phases of this thing as a historical document: how many editions do you recall or venture a guess on. How many editions has this pamphlet gone, to your knowledge?

A. I could only guess, thousands and thousands in every language spoken by humanity ever since it was printed.

Q. All right then, in the indictment the first quotation from the Manifesto I call your attention to, Doctor, and I don't know whether you want to consult your papers or not and you may have to because these are precise quotations, the following is a quote from the Manifesto?

A. Would you wait just a second so I can follow you?

Q. Yes, sir.

A. This is from the indictment.

Q. Yes, that is on page 7 and it is the very first quotation appearing right over here and we will take them seriotomy so it is easier to follow and we will cover each one of them in such a way I could make it easier to follow. Have you got yours?

A. Yes.

Q. The quotation is from the Manifesto and comes from page 20 of the Manifesto since we have it written out and if Mr. Cercone wants to he can follow the document. For [fol. 1869] my purpose it is easier to do it this way. I will have it quoted and he can follow. On page 20 the first quotation is: "In depicting the most general phases of the development of the Proletariat, we take the more or less veiled Civil War, raging within existing society, up to the point where that war broke out into open revolution, and where the violent overthrow of the Bourgeoisie lays the foundation for the sway of the Proletariat."

Now that is on page 20, Doctor, and what is your explanation or what is your interpretation as an expert on Marxism of that statement?

Mr. Cercone: That is objected to, your Honor, as being irrelevant, immaterial and incompetent. It is what the members of the Communist Party interpret. Put that in the question.

The Court: We may have the witness' interpretation as given by the witnesses by the Commonwealth and then if you wish you may ask him if that is a Communist interpretation of it. Give us your interpretation, Dr. Aptheker.

Mr. Nelson:

Q. Will you give us your brief interpretation of how you understand and how the Communists understand that position or statement?

A. The first point to be noticed is what has been indicated.

[fol. 1870] This is a symptom which is taken out of a pamphlet written in 1848 under the general social and historical conditions at that time which I tried very briefly to indicate to you. The next point in the paragraph is that

Marx and Engels in 1948 appointing to the existence in society of classes, of different classes of people. I reply to the best that I can as I sit here to make all of these references as clear as I can do.

Now this idea of the existence of class struggle of conflict within society set in the paragraph is called the more or less veiled Civil War, is by no means new to Marx and Engels and is by no means confined to them. For example, the Manifesto begins by saying—I am quoting: “The history of all hitherto existing society is the history of class struggle.” This is one of the points made in this paragraph we are talking about.

Now the first thing or the first point I would like to make clear is that this idea of the existence of conflict in classes in society is as old as political science. It goes back to Aristotle and comes up from Aristotle to Charles A. Beard. I would like to cite for you from the statements of some of our greatest American statesmen, this idea of the existence of class struggle in society which is one of the ideas in this excerpt in the indictment.

Mr. Cercone: Your Honor, I object to that because we [fol. 1871] are going far afield on one excerpt here.

The Court: I don't think the witness is privileged to bring in other statements of other writers on the subject. I think the points of class struggle has been recognized and it has been generally accepted and has been recognized. I don't think it needs further elaboration, Doctor.

A. I think it might.

Mr. Nelson: I think the prosecution is trying to present and have it understood that I have incited class struggle, and it is the very chore of the question.

Mr. Cercone: It goes beyond the scope of the question.

The Court: Do you gentlemen want me to rule on it or argue yourselves?

Mr. Nelson: I would appreciate it if the prosecution would be tolerant and not interfere with the explanation the witness is attempting to make for the jury.

[fol. 1872] The Court: You want the witness' opinion of what it means. He has outlined it but I don't think he has a right to bring in statements made by others, what they have said on class struggle and so forth. We are going to

limit him in that respect. It is recognized that class struggle has been recognized for a century.

Mr. Nelson :

Q. Proceed without that type of interruption.

A. Might I indicate to the jury at least the names?

The Court: No. That is the thing that seems objectionable, who is referred to.

Mr. Nelson: The contention is nobody but Marx knew about it and we want to show a lot of people knew. You are blocking me off.

Mr. Cercone: The reason I object to that is because you have to get into an argument or not.

The Court: That is sustained. Don't bring in the remarks of anyone concerning that, Doctor.

A. I will therefore say under this ruling that in political science it is universally recognized and almost unanimously held from the Ancient Greek Aristotle to the late Charles A. [fol. 1873] Beard that in society based on property ownership there has been and there is a conflicting diametrically opposed interest between classes in that society, the classes determined on the basis of those who own and those who do not own the means of production.

This is a great point that I now assert and I would like to be able to describe it. The second point which is made in this paragraph is: "The idea of the fact of revolution." The fact that there had been revolution. Here I want only to begin to say that this has in mind the historical process of revolution. It has absolutely nothing in common with the idea as I tried to express it before of a monetary group, of a handful, who may be up on horseback or God knows what and this is the revolution which has been referred to, a historical process, a development of conflict and contradiction in the social order—this other meaning of the term revolution here.

Moreover I take it that certainly no American will deny the reality of revolutionary processes because our Country was born, as I hope it is not illegal to point out through revolution. This is our manner of birth and thus not uncommon. Many nations, perhaps most have been born this

way. In this specific sentence Marx and Engels are referring to the developing revolutionary prominence in Europe in 1948 which in a few weeks or month after this was written it matured in Germany and France. He is referring, they [fol. 1874] are referring to the intolerable tyranny, the merciless blood and iron which the population of Europe headed by Metternick, then put the blood and wine policy with which he and crowned heads of Europe expelled the people and withheld from them all elementary rights and in any efforts they made to meet together to prove their conditions killed them.

Mr. Cercone: This witness has gone far afield in making statements he can't substantiate. He can answer yes or no. He is going into long dissertations and what we are interested in is what happened in Pittsburgh in 1948.

The Court: This is a historical background of the book and I will limit you somewhat and will permit you to explain to a certain point the environment in which the book was written, if that is necessary for your interpretation pointing to its intended use at this time for the people who by its possession and circulates these books.

Mr. Cercone: This witness is not an expert of what happened in that particular period.

The Court: He stated from his studies and we are permitting him to give his opinion when the Manifesto first started. Continue, Doctor.

[fol. 1875] A. I have a sentence to explain and I am trying to do that. I was saying that when Marx and Engels stated in this sentence that this field Civil War, this class conflict which we have seen of political facts. It exists and they got into the open revolution. They are referring to taking up arms by the oppressed on the actions to the violence, the force and violence of the reactionaries of the risk, of the moulders. So in this case and what I am saying is true about Metternick and the crowned heads of Europe. This is the meaning of that sentence.

Q. So it had a reference to a specific situation, is that right, Doctor, existing at that time?

A. Yes.

Q. And the pamphlet had been written by, and, but it was

applied to different countries in different ways by people who believed and accepted the pamphlet. Is that right?

A. Certainly.

Q. Is that what you taught in the Communist Party classes where you have stated here previously before this jury?

A. Yes.

Q. And in that sense you would say that is the position of the Communist Party in both the class struggle and the manner of revolution being discussed in this class age?

A. Certainly.

[fol. 1876] The Court:

Q. Do I understand that you teach and it is your interpretation that it has application only in 1848, at that time, that there was no intention of it advocating it at anytime in the future?

A. I readily answer it as you put it to me. I am only trying to explain the historical questions in which it was written or the condition, I am also trying to point and make what it says about revolution in the paragraph, that meaning which existed in 1848 is the meaning which exists now and the meaning in this paragraph and the meaning to Marxist and Leninism is that the force and violence comes from the reactionaries who have power and they use that power and the police and the armies to put down the strivings of the mass and people and as they use the power to put down the striving families the people reach the point of self defense against force and violence and if successful it goes by the name of revolution. As to any failure, as in 1848, the revolutionary attempts had failed and the reform is to kill, imprison or to free as they did here.

Q. Then the force used by the oppressed is in self defense, is that it?

A. Yes, sir.

Q. Does that have any present application in the World generally today or in the United States today in the teaching of Marxist or the Communist Party?

I think that is the issue and probably I don't express it [fol. 1877] the way you like but it is the issue involved?

A. Yes, it is and in explaining the paragraph I referred historically to the revolutionary process, that it has culminated and has come about through the efforts on the part of the rulers who deny that which is desired by the vast majority of the people, that which is desired by them peacefully in perfect good will in terms of the interest of themselves, that is the interest of humanity. Now I believe deeply that history deals in the past and in this case that when the masses or people put forth these visitors of the future, that is, themselves, that are precious to them, the rulers, the minority in the past have not advocated that and have not given up. They have said, "We do not care what the majority wants. We wish to preserve our power. We have taken up arms, the reactionaries, to explore the masses.

And we go on, if I am permitted to go on, I will try to the best of my ability to make that clear in specific terms of American example. This is the Lenin-Marxist concept of the fruition of the revolutionary process.

Mr. Nelson :

Q. Since there are so many we can't stop too long, Doctor. We are going to the next excerpt which appears in the same indictment that is to be found in the very next quote from the Communist Manifesto appearing on page 22 and it reads as follows: "The immediate aim of the Communist is the [fol. 1878] same as that of all the other Proletarian parties: Formation of the Proletarian into a class, overthrow of Bourgoise supremacy, conquest of political power by the Proletariat."

Now what is your interpretation of that, Doctor, as to that. How do you explain that point. It is an argument from the Manifesto on page 22.

A. Once again this is a sentence from this 1948 or 1848 pamphlet. What does the sentence say? It says that the Communist Party is the party of the Proletariat, that is the party of the working class. It says that its aim, the aim of the Communist Party is *go* gain power for the class which it represents, for the working class. What is a political party—what does the dictionary say about a political party?

A. The dictionary says a political party is any one of two bodies of people contending a power, that is opposed on rival opinions on politics in a community or society and the dictionary goes on to say especially one of the opposing political organizations striving for a supremacy in a State." That is the end of the quote.

Q. You are quoting the dictionary?

A. Yes, Funk & Wagnall's dictionary. Now this is the essence of this sentence. I repeat that the Communist Party is a political party, that it is a political party of the working class as opposed to political parties representing the owners of products or productions, that is the Bourgeoisie.

[fol.1879] Q. When you say the Bourgeoisie, Doctor, what do you mean by that?

A. I tried to define it very briefly by saying the owner or the means of production, those who own the factories, mines, and banks. This is what I mean by Bourgeoisie.

Q. Witness now on the stand states here Bourgeoisie means the American way of life. What is your comment on that?

A. That is ridiculous. It is just absurd. Where does the word Bourgeoisie come from?

Q. Where does the word Bourgeoisie come from?

A. It is a French word allied to the English word bird, sitting and which means an overthrow in the rule areas. They wanted to develop products in the 12th and 13th centuries and it refers to the class of products. This is what Bourgeoisie means.

Q. Is that all you wish to say in elaborating on that?

A. I think so.

Q. In the same exhibit, No. 15 of the Commonwealth, the Communist Manifesto on page 23, the following line and a half is a quote: "In this sense, the theory of the Communists may be summed up in a single sentence: Abolition of private property." What is your explanation of that? What is the meaning as the Communists understand it?

A. I call your attention to the fact that this single sentence begins with the word. Those three words are in this sense: why does it begin with the words in this sense.

There must be something proceeding that sentence which [fol. 1880] makes clear of that sentence, what that sentence means when it begins in this sense. What is it that precedes that sentence which you must have, if you are to begin at, what that sentence means. Otherwise when would begin a sentence in this sense. Therefore, we turn to the page which immediately comes before this one quoted in the indictment—what does that paragraph say? We turn to that because it will explain.

Q. On the same page?

A. Yes, it is on the same page and I do not memorize it and I have it here. I will read it to you and be followed and will read you the paragraph which comes before this sentence. You understand why I read it because I will explain it in this sense. Here is the paragraph which I mean: From the Manifesto: “The distinguishing feature of Communism is not the abolition of property generally, but the abolition of Bourgeoisie property.” I am reading—it goes on to say—I am reading the whole paragraph: “But modern Bourgeoisie private property is the final and most complete expression of the system of producing and appropriating products that is based on class antagonism, on the exploitation of the many by the few.” And what I want to call your attention to, the preceding sentence in the indictment, that is why Marx-Engels begins the sentence in the words in this sense.

Q. In what sense?

A. In the sense of the Bourgeoisie property. This is [fol. 1881] exactly the point of this we want to gain between the Marxist-Leninist concept and the concept of what the property was, a handful. This is not the Marxist concept. On the contrary the Marxist fought against the concept. Mr. Engels opposed the private ownership by a handful and the means of producing, the means of industry and the bank and insisted that the private ownership of the means of production with millions working so a few thousand may enrich themselves was wrong and unfair. This is the point of that sentence in the excerpt, and put this way, his way, his aims they say are honest.

Q. So you would say, would you not, Doctor, that taking these two lines away from the main body of the thought

was a dishonest way of attempting to put a frame-up against me. Is that right?

A. Certainly. It is not an honest procedure.

Q. And is this way, is this your general position you discussed the matter of the property in the Communist Party, is this the way you teach in the classes and take the view of the Communist Party generally?

A. Absolutely, just what I said to the jury now.

Q. In other words, the Communist Party has no idea of taking everybody's home or everybody's chickens away from them but they have in mind taking what they call Bourgeoisie property, homes by a handful, which I think I referred to as 60 families or a majority of them?

A. That is correct.

[fol. 1882] Q. You would have that property taken away?

A. That is right.

Q. But not their terms and so forth. Is that right?

A. Yes, sir.

The Court:

Q. Why limit that to 60 families, Doctor. Isn't it generally a known fact that a great many corporations and stock is owned by many, many peoples?

A. Yes, it is a well-known fact. The maximum participation of ownership in a corporation is four per cent of the population. In this sense 60 families is a phrase which comes from a book called "And of Sixty Families" by Frederick Lindberg and is used that way in Mr. Lindberg's analysis.

Q. You don't mean it literally?

A. No; that is correct.

Mr. Nelson:

Q. But it is correct to say that 250 corporations control the basic industries of this nation. Isn't that correct?

A. Yes, sir, that is correct.

Q. And it is that which you and I of the Communist Party propose to Nationalize. Isn't that right?

A. That's correct.

Q. And not the little store or little tailor shop and the little shoe shine parlor and so forth. Is that correct?

A. Yes, that is right.

[fol. 1883] Q. But the street car company and the electrical works and the coal mines and banks—those are the things?

A. That is right.

Q. Places where a lot of people are employed. Is that right?

A. Yes.

Q. Are you familiar—I believe you stated you are familiar, Doctor, with the Commonwealth Exhibit 16, Foundations of Leninism?

A. Yes, sir, I am familiar with it.

Q. Who was it written by, do you recall?

A. It is a collection of lectures delivered by Joseph Stalin in Russia in 1924.

Q. In 1924?

A. Yes, sir.

Q. The very next quote in the indictment is from that exhibit, your Honor, and comes from that book published in 1939 by the International Publishers and the quote comes from page 54 and I will read you that. “The dictatorship of the Proletariat cannot arise as the result of the peaceful development of Bourgeois Society and of Bourgeois Democracy; it can arise only as the result of the smashing of the Borgeoise State machine, the Bourgeoise Army, the Bourgeois Beaucroatic machine, the Bourgeois Police.”

Q. What is your interpretation and what is the Communist’s understanding of the United States of that phrase or of that sentence?

[fol. 1884] A. First of all once again there is an interesting omission in this excerpt in the indictment. That omission is that this sentence which was taken out of this book doesn’t begin the way it is in the indictment. The sentence begins in the exhibit, that is, in the Foundations of Leninism, with the words “second conclusion”. Second conclusion—now to a reasonable person reading that second conclusion, now that means there must be a third conclusion. This is the second one so what is the first conclusion. What is it upon which this sentence is based. We find that in the immediate section preceding this quotation,

that is, the quotation or indictment is taken from page 54 and we go to page 53 up to the second conclusion. We find what they are talking about. Therefore, I wish to call your attention to the preceding matter which is next to conclusion second. The first conclusion of this series of lectures in 1944 which was given on page 53, that the concept, the idea of democracy itself is a class concept. It is not a power concept in terms of not having any relationship to the system in which it exists, Let me try, please, to make that clear? The main thing in which you must have to get this part is like the common thing, that I am certain many of you have heard like the rich and poor are free to starve. The rich and the poor are free to starve, both classes free. Clearly in this study you have a class concept of freedom because you know who is without food and who is with it. So it is like the idea that the wolf's [fol. 1885] freedom is the sheeps' death. If the wolf was free to eat, the sheep is then free to be used by the wolf, but that which is freedom for the wolf is death to the sheep. It is this idea of a class matter of the term democracy which he meant. Therefore, the first conclusion—and it is called the first conclusion in the book is as follows, and I now read from the book which is in the indictment as follows: "Under Capitalism—says the book—the exploited masses do not, nor can they, really participate—"

Mr. Cercone: Where are you starting from, 53?

A. 53.

Q. With the first sentence. That isn't the first sentence?

A. They gave it to me and I will find it.

Q. It is in the middle of the paragraph—you didn't begin at the beginning either?

A. I began at the beginning in my summary. Am I being cross-examined, your Honor?

The Court: No. It is merely being pointed out you aren't reading all the conclusion.

Mr. Cercone: In fact, you didn't begin at the beginning at all there.

The Court: You may cross examine on that later.
[fol. 1886] Mr. Cercone: Start from the word "briefly". That is where it begins.

The Court: We will permit either side to read what excerpts they have.

A. I have summarized up to the point where I quoted to you as follows: "Under Capitalism the exploited masses do not, nor can they, really participate in the administration of the public, if for no other reason than that, even under the most democratic regime, Government, under the conditions of capitalism, are set up by the people or by the Rothschilds and Stinneses, the Rockefellows and Morgans.

Mr. Cercone: Wait awhile. You must be reading from a different book.

A. May I have your book?

Mr. Cercone: You got two sentences mixed up in one.

A. Leave me have the book. I will read from the book. Shall I?

Q. You say you made notes of this?

A. I typed it myself and if you say I looked at a sentence I will amend it by reading from the book.

Q. I will cross examine on that.

The Court: Yes, at the proper time. You read what [fol. 1887] there is from the book so there will be corrections about the copy.

A. All right, sir. I will read from the book. "Under Capitalism the exploited masses do not, nor can they, really participate in the administration of the country, if for no other reason than that, even under the most democratic regime, governments, under the conditions of capitalism, are not set up by the people but by the Rothchilds and Stinneses, the Rockefellers, and the Morgans. Democracy under that capitalism is capitalist democracy; the democracy of the exploiting minority, based upon the restriction of the rights of the exploited majority and directed against this majority. Only under the dictatorship of the Proletariat are real liberties—he puts in quotations real liberties—for the exploited and real participation in the administration of the country by the Proletarians and Peasants possible. Under the dictatorship of the Proletariat, democracy is proletarian democracy, democracy of the exploited majority, based upon the restrictions of the

rights of the exploiting minority and directed against this minority.” The words which follow this conclusion are the second conclusion and then the words of the indictment.

Now my point was that you had to understand this before you could turn to what is in the indictment. Because if you understand this then one can begin to see that [fol. 1888] which is quoted in the indictment. It means that the rich, the few who rule the vast with the desire of the vast majority of the people to change their system of government. To do, for example, what the Constitution of the State of Pennsylvania says: “Indispensable and inalienable rights—when the majority wishes to do that, when and if they want to do that at that time which the Rockefellers and the Morgans, as the book puts it, will not willingly abdicate their cause to the desire of the majority. They are the means of the production. They own the newspapers. They own the radio stations. They own television and so on. The point is, that this power, they have it and they mean to hold it and when people in the vast majority want a change and want to establish a party to make a change and accomplish this change, they, the people will not be able to hold on to that power if they are not prepared, having made the change, as the people are not prepared to institute the revolutionary force and violence of the ruling class. That is, they must remake the State machinery because the State machinery was made by the rich, and the rich will try to hold on to it and use it to destroy the will of the majority.

Please let me give you two instances of what this means from our history, briefly.

Mr. Cercone: I am going to object to that. Let the Court rule on it first.

[fol 1889] Mr. Nelson: The people want to know what this means.

The Court: He is privileged to give an interpretation of it. I may limit you. We have qualified him by his readings and studies, and I don't think I will allow any further elaboration on the histories that are not here for examination by the District Attorney. Give them but the basis of the qualifications are not necessary.

Mr. Nelson: The jurors will understand it a lot more simply and easier and I will and everybody else will, as the American examples are given to buttress the points here.

Mr. Cercone: They are not parallel.

The Court: We will limit him to his interpretation of this.

Mr. Cercone: You got to limit it to the American conditions and I believe it would help clarify the point if anyone is interested in clarity.

The Court: Anyone can quote history and if the historical [fol. 1890] volume isn't present it is unfair to the other side and he has no basis of combating it.

Mr. Nelson: You mean if we had the books we would refer to the historical changes?

The Court: I doubt very much I would let you go into the extraneous matter. If there was any doubt it was taken all in evidence on each one. If they were available it is different. But I am not going to allow the witness to go on and support it other than the general conversations.

Mr. Nelson: The ideas are on trial. I won't press them. You stated yourself. Let us understand what the ideas are which are in.

The Court: We will not permit him to refer to volumes not in here.

A. May I ask a question?

The Court:

Q. Surely?

A. There are things which I have written, which have been mentioned here, which are on the table, in which as a Marxist-Leninist I gave such examples to make clear the [fol. 1891] meaning of the Revolutionary Process. Would I have, your Honor, the right to look at one or two of these which I wrote, which are on the table, which I wrote in the past before I knew I would be a witness or anything else. Can I read that point, sir?

Q. I will permit you some leeway. If there is something else available that may support your theory or point on here I won't limit you too strictly on that. But I am not going to let you call your assistant, call on assistants on