0243

IFG_1 (From LB)

- Q And whomelse do you want to protect? A Nobody, sir.
- Q Who lives in that house up there with you your apartment? A I live alone, sir.
- Who has been living there for the last week or ten days with you - has anyone been there? A Yes, sir.
 - Q Who has been there? A A friend of mine.
 - Q Who is he? A Ernest Pataki.
- Q And how long has he been there? A He hasn't been living there; he is staying there. He has just been keeping me company.
- Q He has been staying there over night? A Yes, sir.
- Q For how long? A Since - I don't recall, either Monday or Tuesday.
 - Q Who pays the rent on that apartment? A I do.
 - Q How long have you lived there? A Three years.
- Q Do you have a lease? A I believe the lease has expired. I had one, and I still have it.
- Q How much do you pay for the rent? A Thirty dollars a month.
- Q And what does this man Pataki do for a living? A He is an engineer.
- Q Where does he work? A At Federal Telecommunications.
 - Q Is he married? A No, sir.

- Q What does he make a week? A I don't know, sir.
- Q Does he pay anything for the upkeep of that apartment? A No. sir.
- 4 How many rooms in that apartment? A Three, sir.
- Q What are they? A I have a living room, I have a bedroom, and I have a kitchen.
- Q Describe the furniture in the living room. A I have - - the rooms are separate rooms, with doors between all of them - the living room and the bedroom and the kitchen all have doors. The living room has a bookcase, a record-player, a record-cabinet, a desk, a radio and a studio couch, and an incidental chair.
- Q Why has this man been living in your apartment for the last ten days? A It hasn't been the last ten days, sir.
 - How long? A I believe since Monday or Tuesday
- Q Why, hasn't he a home of his own? A Yes, sir, he has.
 - Q Where doeshe live? A Nearby, on 19th Street.
- Q What is he doing in your apartment? A I asked him to stay with me.
- Q And how often does this go on? A I don't understand your question.
 - Q I say, how often does this go on, how often do

you invite people up to your apartment for a week or so, to stay with you? A He doesn't live there, he doesn't stay there.

- Q What is he doing there? A I asked him to keep me company.
- Q Are you lonesome? A I guess I have been a little disturbed by this.
- What is he there for as a bodyguard of some sort? A No. sir, but he is a friend of mine.
- Q What is his function there, what is he doing?

 A There is no function; it is just that he keeps me company.
- Q What sort of company? A Well, friends he is a friend of mine.
- Q Is he a canasta player or something? A I believe he knows how to play canasta.
- Q That is what he is there for, to play canasta?

 A I wouldn't say that, sir.
- Q Tell the jury what he is there for. A He is my friend.
- Is he hiding there from somebody? A Oh, no, sir; I wouldn't imagine so.
- Q Did he talk to you about the Rosenbergs?

 A I do not wish to answer that question -
- Q I say, did he talk to you about the Rosenbergs?
 A No, sir.

- Q He didn't mention the Rosenbergs to you? A No, sir.
- ${\tt Q}$ Did he talk about the Greenglasses to you? ${\tt A}$ No, sir.
- Q Did he talk about these espionage cases to you? A No, sir.
 - Q He never mentioned it? A No, sir.
- Q In all the time he has been at that apartment, he never mentioned anything about the Rosenbergs or the Greenglasses? A No, sir.
- Q Did he discuss with you the subpoena that you got? A No, sir.
 - Q You never talked to him about it? A No, sir.
- Q You never said a word to him? A No, sir. I didn't want to discuss any of this with him.
 - Q But did you discuss it with him? A No, sir.
- Q Did you discuss the Rosenbergs with him? A No, sir.
- $\ensuremath{\mathtt{Q}}$ Did you discuss the Greenglasses with him? $\ensuremath{\mathtt{A}}$ No, sir.
- Q Is he a member of the Communist Party? A I don't know, sir.
- Q Did he ever, to your knowledge, attend a Communist meeting? A I don't know.
 - Q Did you ever see him at one? A I don't know.
 - Where did you go to school? A I went to

Columbia University for my last degree, and for my first - - A JUROR: I don't hear.

THE WITNESS: I went to Columbia University for my degree in social work. I went to Hunter College for my bachelor's degree.

- Q Did you ever meet a man called John? A I don't wish to answer that question on the grounds that it may tend to incriminate me.
- Now, look, why don't you answer these questions?

 A I tried to explain that. I do not wish to answer any questions that may tend to incriminate me.
- Q Is it because you are trying to protect somebody?

 A No, sir. I am interested in protecting myself.
- I am not making you any promises, but if there happen to you, would were a possibility of a promise that nothing would/you disgorge all this information and tell the jury, and give answers to all the questions that I have asked you if you were sure that nothing would happen to you? A I don't know, sir.
- Q Well, what do you think if nothing would happen to you you are interested in yourself, you said? A Yes, I am.
 - Q That is your main interest, isn't it? A Yes, sir.
- Q Now, if there were any possibility of assuring you that nothing would happen to you, wouldn't you answer these questions truthfully? A I imagine so.

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- And wouldn't you be able to give us the identity of that person that came to your house, if you were assured that nothing would happen to you? A I don't want to answer that question.
- You don't have to answer that; I am not asking you to answer it, but I say, if you could be given assurance - you are not being given that yet, but if you could be given any assurance that nothing would happen to you, would you then be willing to divulge the identity of the person that came to your house on that July Friday?

 A (No answer.)
- Q What do you think? A I can only repeat that I am not protecting anybody, that I am interested in protecting myself, which is my right, and that I don't wish to answer any questions that will incriminate me or involve me.
- Q But supposing that you weren't going to be incriminated, supposing that you were assured that you weren't going to be incriminated you are not yet, but supposing you could do that would you be able to identify that person that came to your apartment that night? A I don't think —
- That is certainly being fair with you. Why don't you be fair with me? A Well, I am trying to, Mr. Lane. I indicated here in this Court that the reason I didn't wish to answer the questions that you put before me

was because in my opinion I felt it might incriminate me.

Now, I don't think there is such a thing as guarantee. How could anyone guarantee to me that it may not? If I honestly said that it is a possibility that it might incriminate me - I don't know that it will, but I believe that it might tend to - I don't believe that there is such a thing as assurance.

Q Nobody has given you any assurance. All I said to you was, if there was a possibility of assurance that nothing would happen to you — — I am making it very certain that no promises have been made to you, but if there was such assurance, would you be in a position to divulge the identity of the person that came to your apartment that night? A I imagine so.

You mean, if you could be given that assurance you would tell who that person was, and you could identify him, if nothing would happen to you — that is what you are saying? A I am saying I would be prepared to answer any questions that would not tend to incriminate me. Any questions that might tend to incriminate me, I would have to exercise the privilege of not wanting to answer them.

Q But if a Grand Jury could - - if they could - - assure you that your answers would not be considered incriminating - if they could do that - would you then be in a position to disgorge all this information that you are holding back because of your constitutional privilege - - in

other words, things like identifying the person that came to your apartment that night?

Now, I am not asking you to identify that person now. I asked you that before, and you declined on the grounds of your constitutional rights — - but you could probably identify him if you could be assured, is that right? A I am not able to answer that in the form in which you put that.

MR. SAYPOL: The witness has already told us that, I believe.

THE WITNESS: I said I believe I would be prepared to answer questions, if I felt that they would not incriminate me.

- Q I believe that what you said was that you do know the identity of the person, but that you decline to answer because you feel that if you did answer the question that it would tend to incriminate you. A That is not what I meant, sir.
- Q What do you mean? A What I meant was that I would be prepared to answer all questions, or do anything that was asked of me, if I felt in my opinion that it would not in any way incriminate me.
- Q But if you were given assurance that it wouldn't incriminate you, if you were given such assurance that it wouldn't incriminate you, would you be in a position to divulge the identity of that particular person? A I can't

answer that question in the form in which it is put.

Q Certainly you can. Answering that one does not incriminate you. A I think it might, possibly.

The question is: If you were given the assurance that your answer would not in any way incriminate you, could you or would you be in a position to divulge the identity of the man that came to your apartment on that July Friday evening, and asked you to go to Cleveland? A I can't answer that question on the grounds that the answer to that might tend to incriminate me.

THE FOREMAN: Would you step outside for a minute? We will have a recess.

(WITNESS LEAVES ROOM, AND IS RECALLED.)

MR. LANE: Mr. Foreman, will you excuse her for today, and direct her to be back here on Monday, at twenty minutes to eleven?

THE FOREMAN: You are excused until Monday, at twenty minutes to eleven.

MR. LANE: You understand you are still under subpoena.

(WITNESS EXCUSED).

- ETHEL E. ROSENBERG, recalled and again duly sworn by the Foreman, testified as follows:

 BY MR. LANE:
- Q Now, Mrs. Rosenberg, you have again been sworn in and once again I want to advise you of your Constitutional rights, that is, you do not have to answer any questions the answers to which may tend to incriminate or degrade you, and the answers which you give before this body, this grand jury, are given voluntarily and they may be used against you in the event of a subsequent prosecution. Do you understand that? A Yes.
 - Q I believe you have had counsel? A Yes.
- Q And you have been advised by your counsel as to your rights? A Yes.
- Q That counsel is Emanuel Block, is that correct?

 A Right.
- Q Think very carefully on each question and answer very distinctly. Are you a member of the Communist Party?

 A I decline to answer that question on the ground that this might tend to incriminate me.
- Q Are you a member of the Young Communist League?

 A Again I decline to answer that question on the grounds that this might tend to incriminate me.
- Q Were you ever a member of the Communist Party?

 A I decline to answer on the grounds that this might tend
 to incriminate me.

- Q Were you ever a member of the Young Communist League? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Are you or were youever affiliated in any way with the Communist Party or Communist movement? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Have you ever attended Communist meetings? A I the cline to answer on the grounds that this might tend to incriminate me.
- Q have you ever contributed money or your services to the Communist Party or Communist cause? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Do you know whether or not your husband is or has been a member of the Communist Party or Young Communist League? A I decline to answer on the ground that the relationship that exists between my husband and myself is a confidential one, and this might tend to violate a confidential relationship.
- Q Let me explain to you that you may refuse to answer questions on privilege as between husband and wife only as to conversations, not as to anything you may know. You may only refuse to answer that question on the grounds it may incriminate you, not your husband. What is the answer to that question? Do you know whether or not your husband is or was a member of the Communist Party?

A I decline to answer on the grounds that this might tend to incriminate me.

Q Do you know whether your husband is or was in any way affiliated with the Communist Party? A I decline to answer on the grounds that this might tend to incriminate me.

- Q Do you know whether your husband is or was in any way affiliated with the Soviet Union? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Do you knowwhether your husband ever attended any meetings of the Communist Party or the Young Communist League? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Do you know whether your husband ever attended any meetings of any agency or agencies affiliated with the Communist Party or Young Communist League? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Do you know whether your brother David was a member of or affiliated in any manner with either the Communist Party or Young Communist League or both?

 A I decline to answer on the grounds that this might tend to incriminate me.
- Q Do you know whether your sister-in-law, Ethel Greenglass, was a member of or affiliated with either the

Communist Party or Young Communist League or both?

A Excuse me. I was Ethel Greenglass. Do you mean my sister-in-law?

- Q Yes. Do you know whether or not your sister-in-law Ruth Greenglass was affiliated with ar a member of either the Communist Party or Young Communist League or both?

 A I decline to answer on the grounds that this might tend to incriminate me.
- Q Were you active in the Communist Party movement?

 A I decline to answer on the grounds that this might tend
 to incriminate me.
- Q Do you know whether your husband was active in this movement? A I decline to answer on the ground that this might tend to incriminate me.
- Q Do you know whether your brother, David Greenglass, and or your sister-in-law, Ruth, were active in the Communist Party movement? A I decline to answer on the grounds that this might tend to incriminate me.
 - Q Did you ever discuss with Ruth Greenglass the work which her husband wasdoing at Los Alamos during the war? A I decline to answer on the grounds that this might tend to incriminate me.
 - Q Were you ever present at a discussion with Ruth Greenglass during which the topic was the work which her husband, David Greenglass, was doing at Los Alamos during the war? A I decline to answer on the grounds that this might tendto incriminate me.

- Q Did you ever hear your husband, Julius, discuss with Ruth Greenglass the work which her husband, David Greenglass, was doing at Los Alamos during the war?

 A I decline to answer on the grounds that this might tend to incriminate me.
- Q Did you ever discuss with David Greenglass the work which he was doing at Los Alamos during the war?

 A I decline to answer on the grounds shat this might tend to incriminate me.
- Q Did you ever hear your husband discuss with David Greenglass the work which he wasdoing at Los Alamos during the war? A I decline to answer on the grounds that the relationship between my husband and myself is a confidential one and I do not want to violate it.
- Party is present during a conversation between you and your husband, the privilege of husband and wife is lost, it cannot be exercised, and the only reason you can decline to answer the question which has been put to you is on the grounds it may tend to incriminate or degrade you. Will to please answer the question? In other words, the privilege of husband and wife is only when the two of them are present; but when a third party is present the privilege is lost because it is overheard by a third party in your presence. Your ground for refusing to answer must be on the ground that the answer to the question which has been

put to you might tend to incriminate or degrade you.

A I'd like to ask advise of counsel at this point.

- Q Where is your counsel? A At 299 Broadway.
- Q What do you want counsel for? A I feel that I need legal counsel.
- Q For what? For what reason? As to whether you should answer that question? A I have a right to ask for counsel.
 - Q For what reason? A Whatever the reason might be.
- Q No; you have to give a reason for it. A Obviously, I want something clarified.
- Q What do you want clarified? A I'd rather wait to discuss it with my counsel.
- Q In other words, you want to discuss the answer to that question, on the grounds of privilege between you and your husband, is that right? A I would like the advice of counsel.
- Q For what reason, Mrs. Rosenberg? Give us a reason for it. A I told you the reason. I feel that I need the advice of counsel.
- Q For what reason? For what reason? You have declined to answer. I mean, do you want to answer these questions, is that why you want counsel? A I have a right to ask for counsel before I go --
- Q You must give a reason for it. A Well, I have some questions to ask.

- Q About what? A About my rights.
- Q You have already consulted one, haven't you?

 A hat's right.
- Q Do you want to knowwhether you should answer this question, is that the reason why you want counsel?

 A No. I want counsel to ask about my rights.
- Q You know your rights. You do not have to answer any questions which may tend to incriminate or degrade you, and you have already answered the question. A But there is a question about the right of the confidential relationship.
- Q I will withdraw the question then. You do not have to answer that at all. I won't even ask you that question. That question is withdrawn, the question, Did you ever hear David Greenglass and Julius Rosenberg discussing the atom bomb, or, rather, did you ever hear your husband discuss with David Greenglass the work which he was doing at Los Alamos during the war. We withdraw that. Did you ever hear David Greenglass discuss the work, his work, in connection with the atom bomb and nuclear fission? A I decline to answer on the grounds that this might tend to incriminate me.
 - Q Do you know Anatole Makovlev? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Would you care to attempt to identify his picture?

 A I would not care to attempt.

Rosenberg

- Q Do you know whether your husband knowsthis Yakovlev? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Did you ever hear your husband mention the name Harry Gold? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Did you ever give either David or Ruth Greenglass money? A I decline to answer on the grounds that this might tendto incriminate me.
- Q Do you know whether your husband gave either one of the Greenglasses money? A I decline to answer on the grounds that this might tend to incriminate me.
- Q Did you ever write your brother, David Greenglass during the war? A Yes, I wrote him.
- Q Did you ever attend the Workers School? A I decline to answer on the ground that this might tend to incriminate me.
- Q Did you ever sign a Communist Party nominating petition for elective office? A I did sign a Communist Party petition.
- Q For elective office? A That I wouldn't recall, whether it was elective office -- no, it was for, I think --
- Q Candidates for office? These petitions are sent around where candidates for office must get so many signatures for different offices of the Communist Party.

 A You mean about putting the party on --

- Q Elective offices, for Governor or Senator and things like that -- petitions. They have to get so many names on petitions before the name can go on the ballot. A Yes, I believe there was one.
- Q Do you know which one it was? A Oh, it's way back -- when was it? I believe it was 1939 or 1940, something like that.
- Q Now I show you some letters, and ask you if that is your writing? A That's right; that is my writing.
- Q These are all your writing? A Yes; those are all my writing, yes.
- Q They are all yours, are they? A That's my writing; that's my writing.
- Q These are all letters which you sent to your brother David? A Yes, addressed to him. That's my writing, yes.
 - MR. LANE: May the record indicate that the mitness has identified these letters as letters which she wrote to her brother David. And here is another?

THE WITNESS: C Yes, that's my writing.

- Q And these letters, these are all -- A My writing, yes.
 - Q Another batch? A Yes, that's my writing.
 - MR. LANE: These batches of letters which the witness has identified are letters which she wrote to her brother David, and she identifies them as being in

her writing and as being sent to her brother during the war.

(MARKED GRAND JURY EXS. 1 and 2, this date.)

Q Did you ever attend a Communist Party meeting at M_{adison} Square Garden? A I decline to answer on the ground that this might tend to incriminate me.

Q Doyou read, purchase or subscribe to the Daily Worker? A I decline to answer on the grounds that this might tend to incriminate me.

Q is there anything else you want to tell us about this entire matter? A No.

Q Any statement you want to make to the jury? A No.

MR. LANE: Anything, Mr. Foreman, that the
jury wants to ask? (No response) Can she be
temporarily excused, just for a minute or two?

(Witness again recalled.)

THE FOREMAN: You are excused.

MR. LANE: Mr. Foreman, are there any questions? If there are no questions, would you please excuse the witness?

THE FOREMAN: You are excused.

(WITNESS EXCUSED)

VIVIAN GLASSMAN, recalled and again duly sworn by the Foreman, testified as follows:

- Q Miss Glassman, I am not going into the routine of explaining to you your Constitutional rights; they have already been explained to you, and I think you understand them, is that correct? A Yes, sir, I do.
- Q Did you have occasion to talk with Federal Bureau of Investigation Agents on August 3rd, 1950? A Yes, I did.
- Q And at that time you told them a story about a trip to Cleveland, didn't you? A I don't wish to answer that question.
- Q On what grounds? A On the grounds that it might tend to incriminate me.
- Q Well, did you give the FBI a statement regarding a trip which you took to Cleveland in the latterpart of July of 1950? A I don't wish to answer that question on the grounds that it may tend to incriminate me.
- Q Well, then, did you give any statement at all to the Federal Bureau of Investigation Agents on August 3rd, 1950? A I don't wish to answer that question on the grounds that it may tend to incriminate me.

MR. LANE: Mr. Foreman, will you direct her to answer that question?

THE FOREMAN: Will you please answer that question?

THE WITNESS: I don't wish to answer the question on the ground that it may tend to incriminate me, sir.

MR. LANE: Then, for the record, Mr. Foreman, I think you should now request that the Judge be notified that you have a question that you want to take up with him, and that you direct me to inform the bailiff that the court should be cleared and that you wish to come down with the jury to the court room and put this situation to the Judge. Am I so directed?

THE FOREMAN: Yes. (To witness:) Did you hear what Mr. Lane had to say?

THE WITNESS: Yes.

THE FOREMAN: I order that to be done.

(WITNESS EXCUSED)

(At this point Mr. Lane, the grand jurors and the witness proceeded before the Court in Room 318.)

(Unt. by IFG)

IFG_1 (From LB)

(Re: John Doe)

(Mr. Lane)

Q Now, the first question is: "Did you have casion to talk with Federal Bureau of Investigation Agents on August 3rd, 1950?" and the answer was: "Yes, I did."

And the second question was: "And at that time you told them a story about a trip to Cleveland, didn't you?"

A I don't wish to answer that question, on the grounds that it may tend to incriminate me.

- And you understand that this means you are in contempt of Court do you understand that? A No, sir, I don't.
- Q Do you understand that the Judge has directed you to answer the question, and if you don't answer the question you will be held in contempt of Court; and if he decides to do that he can send you to jail until you do answer the question - do you understand that? A No, sir, I don't.
- Q I am telling you that. A May I ask you a question?
- Yes. A It is my understanding that in such a situation, I would have the opportunity to have a counsel represent me, to explain why in my opinion I believe that the questions may tend to incriminate me.
- Q And who advised you as to that fact? A That is my understanding.
- Q I know, but were you so advised by counsel?

 A I don't remember, but that is what I thought was so. I

understood that then, if the Judge should decide that on the basis of hearing the reasons for my not wishing to answer the question, if he should then decide that I have to answer it, then I have to answer it, and otherwise then I would be held in contempt of Court; but should he decide that it is true that the questions may tend to incriminate me, after he hears the reasons, then he may decide that I don't have to answer them.

I asked you would not tend to incriminate you; and despite what he told you in Court, and what you heard him tell you, you now in contempt of Court refuse to answer the question on the grounds that the answer might tend to incriminate you.

The third question is: "Well, did you give the FBI a statement regarding a trip which you took to Cleveland in the latter part of July of 1950?" What is your answer to that? A I don't wish to answer that question on the ground that it may tend to incriminate me.

Q Question: "Well, then, did you give any statement at all to the Federal Bureau of Investigation Agents on August 3rd, 1950?" A I don't wish to answer that question on the ground that it may tend to incriminate me.

MR. LANE: Mr. Foreman, will you direct that this girl come back here tomorrow morning at eleven o'clock, at which time we shall then go down to

the Court and ask the Court to adjudge her in contempt of Court.

(To witness) In the meantime, if you want to get counsel, get it by tomorrow, but don't come in with a lot of excuses that you couldn't get it.

If you can't get counsel, go to the Legal Aid.

You can get counsel at the Legal Aid, if you can't get counsel anywhere else; because tomorrow morning I am going to ask the Judge to adjudge you in contempt of Court, if you refuse to answer the questions.

THE FOREMAN: Do you understand that?

THE WITNESS: Yes, I do. You want me here at eleven o'clock?

THE FOREMAN: That's right.

MR. LANE: You are excused until tomorrow morning.

(WITNESS EXCUSED)

ROBERT B. SEIDMAN, called as a witness, having first been duly sworn by the Foreman, testified as follows:-

BY MR. LANE:

- Q Mr. Seidman, you are an attorney, aren', you?
- Q And are you admitted to the New York Bar?
- Q When were you admitted? A 1948. I took the February Bar. I do not exactly remember the date of actual admission. It was June sometime.
- Q Do you have your own law office? A I have just started it, yes, sir.
- Q Are you in the law office of anyone else?
 A I am.
- Q Whose office? A Neuburger, Shapiro, Rabinowitz & Boulin.
 - Q What's the address? A 76 Beaver Street.
 - Q Did you give your address? A 76 Beaver. Home?
 - Q Your home address? A 87 Perry Street, this city.
 - What is the telephone number? A Algonquin 5-0363.
 - Q Are you married? A I am.
 - Q Any children? A One child.
 - Q How long have you been married? A Since 1946.
- Q Where did you go to school? A I went to Fieldstone School, Harvard, and the Graduate Teachers College of

Winnetka, Illinois, that's just before the war, and then the Columbia Law School.

- Q How old are you? A I am 30.
- Q Were you in the service? A I was, sir.
- Q In the Army? A I was in the Coast Guard, at sea.
- Q How long were you in the Coast Guard? A Four and a half years, sir.
 - Q What was your rank? A Lieutenant.
- Q You came out a lieutenant? A $^{\perp}$ came out a lieutenant.
 - What did you go in as? A Went in as ensign.
 - Q Are you a member of the Federal Bar? A I am not.
- Q Are you a member of any other Bar? A Just of the New York State Bar.
- Q Are you affiliated with any Communist outfit or organization? A I am not clear on the question. What do you mean by affiliated?
- Q Do you belong to ay Communist organization?

 A That question I cannot answer, sir, for seven different reasons.
- Q Let's have your reasons? A First, it is not material to any matter before this grand jury. Secondly, it invades my client's right to counsel, as indeed my being called here does, because it makes it impossible for my client to have counsel who is able to give her advice unimpaired by considerations or conflicts which may

be in conflict with her interests indirectly. Thirdly, it is an attempt to invade the lawyer-client privilege. Fourth, I do not know what affiliation means, it is vague, I do not know what Communist organization means. Fifth, then it demies me due process of law in its very nature.

- Q Anything else? A And the last one is that under the circumstances, that the answer may tend to incriminate me.
- Q For your information -- you are a lawyer, but I'd think you would know better -- for your information, the only reason you could give before a grand jury on a question like that is whether or not you can decline to answer on the grounds as to whether or not it may tend to incriminate you. A I have given that among my other reasons.
- Q So you refuse to answer that on the ground it tends to incriminate you? A I do not say it tends to incriminate me. I said it may tend to incriminate me.
- Q Have you ever belonged to a Communist organization?

 A The same answer.

THE FOREMAN: What is that answer?

THE WITNESS: It may tend to incriminate me.

- Q Do you know Vivian Glassman? A I do.
- Q How long have you known her? A I think, I am not to sure of this, sir, since about November or December of last year, last fall, I should say.

- Where did you meet her? A She is a member of a union that the office with which I was then associated represented. She was a chapter or shop chairman. I handled an arbitration for the union.
- Q Were you paid by this law firm you were associated with? A Of course.
- Q Were you paid a weekly salary? A Yes, sir. Let me amend that answer. I was paid a weekly salary for a while, and then I was put on a retainer basis. I do not know the exact date that occurred.
- Q When hid you say you were admitted to practice?
 A In 1945.
- Q Since you met Vivian Glassman have you seen her many times? A Just since she called me up about a week or so ago. That is, after I was through representing her, helping her union in the particular arbitration.
- Q Is she a client of yours? A At the present time? Yes, sir.
- Q When six did she first become a client of yours?

 A week ago last Thursday, if I am not mistaken.
 - She became a client of yours? A That is right.
- Weren't you in my office since then, since last
 Thursday? A Yes, sir.
- Q Dign't you tell me in my office that you were not representing Miss Glassman? A No, sir. I told you I was not going to represent Miss Glassman. I was not going to enter

any appearance for Miss Glassman because I was retained by her for a very limited purpose.

- at all when I asked you that in my office in the presence of three FBI Agents? A I did not, sir. You asked me whether I was going to enter an appearance in this matter, and I said I coulin't do that because I am not a member of this Bar don't you remember that?
- Q Do you recall I asked you whether you represented this girl or not -- don't you recall that at all? A You asked me if I was going to enter an appearance here, and I told you I couldn't enter an appearance.
- Q Yes, you said that. But do you recall I asked you if you represented her? A No, sir, I don't. If I am in error, then I am in error. But that's the extent of my representation -- what I have told you.
- When did you first talk to Miss Glassman about her appearance before the grand jury? A I believe the grand jury was first mentioned when she received her subpoena, which was, if I recall correctly, on Tuesday or Wednesday before her first appearance which was on a Thursday, if I have the dates correct. I am not sure I do.
- Q Was that the first time you talked with her? A No; but it was the first time I mentioned the grand jury.
- Q When was the first time you talked with her about her being questioned by the FBI? A Well, I am not go ng to tell you what I talked to her about.

Q I didn't ask you that. I asked you for a date.

Now, you answer the question. A I am not going to answer

the question that includes when I talked with her about the

FBI, if I did.

Q Just a minute.

MR. LANE: Mr. Foreman, will you direct this man to at least be civil before the grand jury or we'll bring him down before the Court and see that he is. (To witness:) You are supposed to be a lawyer.

THE FOREMAN: You are before your superiors.

THE WITNESS: I am aware of that. I am sorry

if I was not.

- Q (Question,"When wasthe first time you talked with her about her being questioned by the FBI?" read to witness.)

 A Well, sir, I can't answer that question because it invades the lawyer-client relationship.
- Q You just told the jury you were retained by her for the first time last Thursday. A No, Thursday a week.
- Q Last Thursday. You said you were retained by her. Your testimony is before this grand jury under oath.

 (Withes's questions and answers read to him.) A Well, no, I am in error. What I meant to say is this, sir. I was retained by her Thursday a week before she first appeared before the grand jury.
- That isn't what you said. You said you were retained by her after she received a grand jury subpoena.

- A No, sir. I told her -- that was the first time I mentioned the grand jury subpoena.
- Q Let me have the exact date when you first were retained by Miss Glassman as her attorney. A That would be Thursday a week before she was -- before she appeared before this grand jury.
 - Q Let's have the date. A Do you have a calendar, sir?
- Q (Witness is handed calendar by juror.) A Today is the 17th, is that correct?
- Q No, today is the 15th. A That's right. I am sorry. I make it out the 3rd of August.
- Q The 3rd of August I understand you to say you were retained by Miss Glassman? On the 3rd of August, to represent her? A That is correct.
- Q Now to represent her in connection with what?

 A I told her I was not a member of this Bar -- well, let me start over and tell you what Miss Glassman told me, if I may. She asked me to represent her. She originally wanted Mr. Boudin, who was her union lawyer, to represent her. He was out of town. He was on Fire Island. She came to me as the only other lawyer that she knew. I told her that I couldn't represent her in any proceeding in as much as I was not a member of this Bar. I am not a criminal lawyer. I told her that I would represent her for the purpose of obtaining counsel who could represent her, and that I would advise her of her Constitutional rights; in the interim she could

obtain counsel. I told her Iwould not appear for her in this court because I couldn't, not being a member of its Bar.

- Q Did you receive a retainer from her? 4 Not at that time. I did later.
- Q Did you discuss retainer? A She wanted to. I told her I could not discuss retainer until I knew more about how long it would take me to complete the task I had undertaken for her.
 - Q Did she sign any papers? A No, sir.
 - Q Did you prepare any papers for her? A No, sir.
- Q You have no written indicia of representation, is that correct? A That's right.
- Q 1s that the way you normally take a client? A Normally I do not have clients for this limited purpose.
- Q What do you do when you take a client, what is the procedure? A Normally you sign a retainer, of course.
- Q You did not see fit to do it in this case? A I did not.
- Q Did you discuss at all what your fee would be?
 A In a general way, yes, sir.
- Q What was your fee to be? A My fee was to be measured by the amount of time that I spend, and I told her approximately how much I would expect to get for the time I spent.
- Q How much was that? How muchdid you tell her you were to get? A I told her that my time generally comes to around \$200 a week.

- Q And where did this conversation take place? A It took place in my home.
 - Q In your home? A Yes.
 - Q When? A Very late at night.
- Q What was the date? A Thursday, late Thursday aight.
- Q Was this the date that she had a conversation with the Federal Bureau of Investigation Agents? A That is information which I received from a client and I cannot answer that because it is her privilege, not mine, as you know.
- Q It is her privilege, yes. A It is her privilege, yes. She is the only person who can release me from it.
- Q From what? A The privilege that covers all conversations between lawyer and client.
- Q Well, do you know as a fact that she had a conversation with the Federal Bureau of Investigation Agents?

 A Whatever information I received in that regard I received from the client.
- Q And she was your client on that particular day? A Yes.
 - Q From that night on? A Yes, sir.
 - Q You are positive of that? A Yes.
- Q Have you been advising her ever since? A Yes, I have been advising her ever since.
 - Q Daily, in her appearances at the court house?

A While she was appearing I saw her Thursday and Friday last.

- Q You have been here every day that she's been here? A That's correct.
- Q Didn't you advise her not to discuss anything further with the FBI after the first meeting you had with her?

 A I advised her of her Constitutional rights.
 - Q You haven't answered the question. A Again --
- Well, decline on the proper grounds. A I decline on the ground it invades the lawyer-client relationship.
- Q Just answer the question properly. You are a lawyer. You should know the answer. Did you discuss retainer with her that night, that Thursday night, late at night, at your house? A No, I don't think so. I don't want to be definite because it was a fairly longconference and she was tremendously -- in an emotional state, as you can well imagine.
 - Q Was anybody with her at that time? A No.
 - Q Was she alone? A She was alone.
- Q Was anybody else there? A My wife was in the bedroom.
 - Q She did not hear the conversation? A No.
 - Q Had you spoken to Mr. Boudin before that?
- A No, sir, not concerning this case anyway.
- Q You -- were you here in the court house yesterday?

 A I was, sir.
- Q Were you representing Miss Glassman yesterday?
- A Only to the extent that I have stated.

- Q What was that, please state it again? A I was endeavoring to find her counsel, and I was advising her of her Constitutional and other legal rights in the interim, and until she found other counsel I was to act as counsel for her.
- Q And for that you were to get \$200 a week? A Whatever the time it took me to get it, as I told you.
- Q And I assume you discussed with her at some length her Constitutional rights? A I did, sir.
- Q You told her what questions she should notanswer?
 A I did not.
 - Q And those that she should answer? A I did not.
- Q You discuss that phase at all with her? A What I did, actually, I gave her a long lenture, if you choose, on the history and scope of the privilege so that I suggest now she knows about as much about it as I do. I told her to make her own choice in the light of that.
- Q When did you give her that lecture? A I am trying to recall, sir. I think it was on Friday following, the next day, but I am not perfectly sure that we went into it at such length on Friday. It may have been at one of the subsequent meetings I had withher.
- Q But it was on that Thursday, August -- was it 3rd or 7th? 3rd, it was on that Thursday night that you had the agreement with Miss Glassman that you were being retained for two reasons, one to obtain a lawyer for her, and two, to

advise her of her Constitutional rights? A That is correct.

- Q Have you been retained by her since then? A For those purposes, yes, sir.
- Q So at the present time you are still her attorney?

 A For those purposes.
- A It may be that I have been able to -- as I told you outside.

 I have been able to obtain some kind of a tentative agreement from another attorney. He doesn't knowall the facts yet, so he may not take the case.
 - Q What's his name? A His name is Herman Posenfeld.
- Q what's his address? A I do not know. I will have to look it up in the phone book.
- Q Is it in Manhattan? A Yes. All he knows about it is that I called him and asked him if he were busy tomorrow, or today rather.
 - MR. LAME: While I am looking over this, Mr. Foreman, are there any questions that the grand jurors would like to ask?

 There probably are.

THE FOREMAN: Iny questions?

A JURGE: In advising her of her Constitutional rights, did you discuss any specific questions that might be asked by the grand jury in connection with the answers she might give?

THE WITNESS: Yes, sir.

BY MR . LANE:

Q Did you send Miss Glassman around to see other

attorneys during the past week? A I did not, no, sir.

I went and saw them myself.

- Q You saw these attorneys yourself? A Yes.
- Q Whom did you see? A I think that comes within the scope of the privilege.
 - Q What you ild? A Yes.
- Q That's what you did. Did she tell you to do this? A This is part of the advice I gave, my counsel.
- Q We are asking what you did, not what your advice was. A In a sense it is within the scope of the privilege as I interpret it.
- Q Explain how it is within the scope of the privilege, as to what you did? A Advice can be various things. I did certain things pursuant to my retainer, which included the advice to see certain counsel. Before I could ascertain which counsel were available t had to see them and interview them. Some of these counsel I spoke to over the phone momentarily, made an appointment without telling them the purpose, and came with Miss Glassman and asked them whether they would accept a retainer. As far as those people go, they are certainly within the scope of the privilege.
- Q Did you tell Miss Glassman what you did in that respect? A Yes. I kept her well informed of the people I was seeing on her behalf.

JUROR: Miss Glassman accompanied you, you said.

THE WITNESS: For some of them. For others not.

I should think, sir, for most of them she accompanied me.

- As a lawyer it is your understanding that you have the privilege of not stating what you actually did in connection with visiting other lawyers? You say that is your privilege? A Under the circumstances of this case I believe so, sir. Certainly I'd like to discuss that particular question with counsel before I'd think of telling you or anybody.
- Q Did you see a Mr. Silverman? A I did not see Mr. Silverman, no, sir.
- Q Did you talk with Mr. Silverman? A I did not talk to Mr. Silverman, no, sir.
- Q Did you advise this woman to go up and see any largers on her own? A I did not, no, sir.
 - Q Has she paid you any money? A She has, sir.
 - Q She has? A She has.
- Q When iid she pay you a fee? Was it a fee she paid you? A Yes, sir.
 - Q When did you receive it? A \mathbb{O}_n account.
- QWhen did you receive it? A I believe it was Friday
 last.
- \mathbb{Q} How much did you receive? A *received \$50 at that time.

QIn cash? A In cash.

- Q Last Friday? A hat sright.
- Q Where, in the court house here? A No, sir.
- Q Were you available yesterday to represent her?

 A To the extent that I have stated, yes, sir.
- Q To advise her on her Constitutional rights?

 A That is right.
- Q You appreciate the fact that she told the Judge yesterday that she had no counsel? A She had no counsel to represent her at that proceeding, that is correct.
- Q That proceeding was for the purpose of advising her of her Constitutional rights too. A In that case she was in error. I could have advised her. I told her I would not appear in any proceeding and enter a notice of appearance in any proceeding.
- Q Yet you accepted a retainer and you came down to the court house. Whatwere you doing in the court house?

 A In case she needed me I was going to advise her.
- Q I thought you said you couldn't represent her in the Federal courts? A You know I could represent her to any extent up to the point of entering a notice of appearance.
- Q (Question repeated as above.) What's the answer, yes or no? A I am not sure of the answer, sir, because I do not know the full scope of the meaning of the word "represent" To the extent which I represented her I think it was perfectly proper.

JUROR: Did you advise her not to go and see any other attorney?

THE WITNESS: No, sir. I have been trying desperately to get other attorneys for her.

Q Did you advise her to go and see attorneys on her own? A I did not. I was going around seeing attorneys with her or by myself on one or two occasions.

JUROR: Would this gentleman have the right to have gone into the court before the Judge?

MR. LANE: If she asked for him the Judge would have permittedthis man to have gone in before him.

THE WITNESS: I may add there were other reasons, personally, why I did not want to be involved.

- Why? A Principally because I have been awfully anxious to take a vacation right now and did not want to get involved in a proceeding I wanted to avoid.
- Q In other words, you accepted a retainer and did not want to become involved? A I accepted a retainer for very limited purposes.
 - Q To get an attorney? A Yes.
 - Q Couldin't she get one herself? A Yes, but she doesn't know any.
 - There's a book called Martindale-Hubbell -- A I doubt she ever heard about it.
 - Q You accept a fee of \$200 a week to select an attorney for her -- A I doubt very much it was going to

take more than a few hours' time.

- Q You want this jury to believe you were retained and given a fee merely to pick out a lawyer for her? A I certainly do, because it is the truth.
- Q That is what you told her? A That is what I told her.
- Q is that what she paid you the fifty dollars for?
 A That's right, because by that time I had spent three or
 four days off and on too, pretty much of three or four days
 working with her.

MR. LANE: Will you excuse the witness momentarily, Mr. Foreman?

THE FOREMAN: You are excused.

MR. LANE: Will you admonish the witness not to talk with anyone while he is outside?

THE FOREMAN: I am sure you heard that?

THE WITNESS: Yes, sir.

(WITNESS EXCUSED)

Glassman

August 15, 1950

(Re: John Doe)

(Mr. Lane)

VIVIAN GLASSMAN, recalled as a witness, having again been duly sworn by the Foreman, testified as follows:

BY MR. LANE:

- Q Miss Glassman, you know Mr. Seidman, don't you?

 A Yes, sir, I do.
- How long have you known him? A I don't know; maybe about a year or so, I don't exactly recall.
- A Just one second; I will think back. I believe maybe it was within a year I had met him, in connection with some business in the union; regarding the contract, I believe.
- Q Now, do you recall that you were before Judge Davis yesterday, in the court-room? A I didn't know it was Judge Davis, but I was in the court-room.
- Q Now, was everything you told the Judge the truth, yesterday? A I hardly said anything to him.
- Q I know that, but what you said was the truth wasn't it? A Yes, sir.
- Q And do you remember telling him that you didn't have an attorney yesterday? A Yes, sir. I don't have an attorney as yet; but you see - May I explain?
- Q Yes. A I don't have an attorney as yet, to help me in this situation if I should need one now. How-ever, I did as I indicated previously here - I did ask Mr. Seidman to assist me in obtaining a lawyer, and he has

be en helping me to that extent.

- You have asked him to assist you - you mean you have paid him money to assist you to get a lawyer? A Oh, I paid him money; yes, sir.
- Q When did you pay him? A About four days ago, maybe.
- Q Did he ask you for money? A Well, we arranged that I would have to pay him a fee for his services.
- Q When did you arrange this? A I don't recall whether it was Monday, or if it was - oh, no, it couldn't be Monday; today is Wednesday. It was last week, I believe.
- Q It was last Friday, probably? A Wait just one moment. I believe I was scheduled to come here the first time on Thursday, and I believe it might have been Thursday or Friday. It was either Thursday or Friday, I don't recall which.
- When did he ask you for the money? A Well, when I first went to visit him, originally, I told him I would be paying him for any services he would render to me.
- Q Well, when you went to visit him originally, that was when what was the date? A I visited him originally on Thursday.
- Q That was the day you had talked with the F.B.I. people; on that Thursday night you visited Mr. Seidman, is that correct? A Yes, I did, sir.
 - And where did you visit him? A At his home.

- Q What time was this? A I don't recall.
- ${\tt Q}$ Do you remember who was present there? A I think just he and I.
- Now, do you remember what conversation you had with him? A Yes, sir.
- Q Well, what conversation did you have with him?

 A I believe that what we discussed is confidential.
- Q Well, I mean - you don't have to discuss the case, but I mean what conversation did you have with him respecting whether or not you were going to get a lawyer. You didn't retain him as a lawyer right there, did you - you didn't sign any papers then, did you? A No.
- Q Did he say he was going to be your lawyer from then on? A No.
- lawyer? I am not asking you to discuss the facts, about the F. B. I. or anything like that. A I understand. You see, it is difficult for me to remember when we had the conversations, but I know the essence regarding my getting a lawyer was as follows: He would not represent me. However, he would assist me in finding an attorney, and he would assist me until the time that I would get an attorney, but that he actually would not represent me for example, before the Judge should I want to have a lawyer with me. That was the essence of our relationship.
 - Q Well, he wasn't hired by you to do anything, was

he? A Well, he has been assisting me in finding an attorney, and as you know he has come with me to these hearings each time that I have been here, and he has been spending his time with me.

- Q Well, at that first meeting, did you say anything about paying him for helping you to get an attorney?

 A I don't recall if it was at the first meeting, but I do recall that there was an understanding.
- Q At the first meeting? A I don't remember that, I really couldn't say.
- Q Well, you didn't retain him, nor did you intend to pay him any money for that first meeting is that right? A Well, actually I had hoped to retain him; let me put it that way.
- Q You had hoped, but you hadn't definitely retained him at that time? A Well, from that point on -- even when I first came to him, there was no question about the fact that he would be assisting me, even from the first day that I came to him.
 - Q Assisting you to get a lawyer? A Yes, sir.
- Q And you paid him this retainer merely to assist you to get a lawyer? A No.
- Q What did you pay him for? A Well, he said - there was the understanding that he would assist me in ay-thing that I needed or, for example, in terms of advising me of my constitutional rights.

Well, he advised you of your constitutional rights, you say? A Yes.

And did he say that he was to get a fee for doing that — - isn't it a fact that Mr. Boudin sent you to see him? A No, sir.

Q Where does Mr. Boudin fit into this entire picture? A I had originally called Mr. Boudin. Mr. Boudin was not there. Then I called Mr. Seidman, because I knew him, you see, from the union, too; and then I came over to his house, and then I discussed it with him; and then it was the understanding that I could go to him for any assistance until such time that we were successful in finding a lawyer who would represent me. And in my mind, certainly, I was prepared and expected to pay for this service.

Q From that first night on? A Oh, I am sure of that.

Q But you didn't discuss payment? A I can't recall, as I say.

A JUROR: How much did you pay him?

THE WITNESS: Pardon me?

A JUROR: How much did you pay him?

THE WITNESS: So far I have paid him fifty dol-

lars.

Q Why do you keep Mr. Boudin out of this conversation? You know that you have seen Mr. Boudin. A Yes, sir.

Q Why don't you tell the jury that - why do you

hide that fact? A I wasn't trying to.

- Q You saw him last Sunday, didn't you? A Yes, sir.
 - Q Where did you see him? A (No answer.)
- Q Did you see him at Fire Island? A Yes, sir, I did.
 - Q Did you go out there alone? A No, sir, I didn't
 - Q Was Mr. Seidman with you? A No, sir, he wasn't
- Q Why wasn't he with you? A Well, I just decided to go out there.
- Q Did you tell Mr. Seidman you were going out there? A I told him that I went out there.
 - Q You told/you went out there? A Yes.
- Q But you didn't tell him that you were going out there? A It is perfectly all right, Mr. Lane, because he is Mr. Boudin's assistant.
- Q What did you want to see Mr. Boudin for, if you had Mr. Seidman working for you? A I wanted to talk to him.
- Q About what? A I wanted to tell him what had happened thus far.
 - Q And did you? A Yes.
- Q And what did he say? A He said I should continue to try to get an attorney, because it looks as if I might need one.

THE FOREMAN: We don't hear you.

THE WITNESS: I am sorry. He said I should try to continue to get an attorney, because it looks as if I might be needing one.

- Q Did you tell him you had already hired Mr. Seidman? A He knew.
- Q But did you tell him? A I don't remember if I told him. At some point, I must have told him, because he knew.
- Q Well, did you or didn't you tell him? A I can't recall
- Q That only took place last Sunday. Why do you say that he knew? A Well, I had seen Mr. Boudin before that. I had seen Mr. Boudin a week ago, and by that time I had told at that time I had told Mr. Boudin that Mr. Seidman would be working with me until such point as I would have a lawyer.
 - And what did Mr. Boudin say? A That was fine.
- Q He said that was fine? A Well, I mean I don't recall if he said that, but my impression was that that was all right.
- What were your arrangements, as far as fees were concerned, with Mr. Seidman - what were you to pay him? A We didn't discuss it entirely, because it would depend on - there was some comment that it would depend upon how long I would be needing his services; and on the basis of how long I would be needing his services, to that

- extent - you know, on the basis of the length of time he had to give to me, then on that basis I would pay him.
- Q Where did this discussion take place, respecting the amount of money you were to pay him? A I don't remember.
- Q Well, when did it take place? A Well, I know that I said I would pay him for services as soon as I came to him.
- Q When was it that night? A Yes, that very first night, I imagine.
- Q And at that time what did he say about the amount of money he was going to charge you - how much a day, or how much an hour, or how much a week? A There was some indication that we would discuss that.
- Not some indication, but what was said? A I will tell you, Mr. Lane, I don't recall all of these conversations so exactly. In the first place, I don't understand why you are asking me these questions, and it was just --
- Q I am asking you to tell me what was said at that time about fees, how much money were you supposed to pay him, and what did he tell you you had to pay him? A I don't recall. But may I ask you a question, Mr. Lane?
- Q Yes. A What I say to my attorney regarding fees or regarding anything isn't that supposed to be confidential?

- Q Is it? A I am asking you the question: Isn't that confidential, about what I discussed with my attorney? My understanding is that it is.
- Your understanding is pretty good about what you are not supposed to talk about. Who "prep'd" you up for your appearances before the Grand Jury? Is that a part of your Communist line?

You testify before this Grand Jury that you are a good American, but you have done everything you could to thwart an investigation about Communism; you have put every obstacle that you could in the way, haven't you - - on the grounds that it might tend to incriminate you - - is that correct? A I wouldn't say so, sir.

Q What is your explanation for it? Here boys are dying in Korea, and you are sitting here and doing everything you can to block an investigation. Every question that is asked you about something that might lead to people who today are out trying to destroy this country, you are answering about something that might incriminate you.

You don't care about people that are dying for this country; you don't care about the United States. But every time we come to a point which involves somebody that is affiliated with this Communist movement to destroy this country, you fall back on your socalled constitutional rights - - isn't that a fact?

Are you so steeped and fanatical in this Communist

business that you don't want to assist your own country?

What is your answer? A Mr. Lane, I am prepared to
assist, and I am prepared to cooperate. There is no question in my mind, regardless of what you have said to me
now, regarding my allegiance to this country.

Q Then why don't you want to cooperate? A I am only exercising the privilege where it concerns the question of incriminating myself, which I believe is my constitutional right; and as a good American I have a right to exercise my right. That does not make me un-American or a bad American. I have always been loyal to this country.

And your demonstration before this Grand Jury is typical of that loyalty, is that correct? A Mr. Lane - -

Q Is it, or isn't it - - or are you going to decline to answer on the grounds of self-incrimination?

What is your definition of cooperation? A I am prepared to answer any questions except those which might tend to incriminate me, and on that basis I believe I have the right not to answer those questions.

Q Yes, you have that right. No one is questioning that right.

But even if something tended to incriminate you, but it might lead to revealing some Communist elements that are trying to destroy this country, you insist upon

relying upon those rights, even though they might incriminate you? A (No answer.)

What is your answer? A I said before, Mr.

Lane, that I am prepared to answer questions, except those that might tend to incriminate me.

MR. LANE: Will you read that question?

(To Witness) And please answer the question.

[Reporter reads: "But even if something tended to incriminate you, but it might lead to revealing some Communist elements that are trying to destroy this country, you insist upon relying upon those rights, even though they might incriminate you?"]

- Q What is your answer, yes or no? A I am sorry, I don't fully understand that question.
- Q The question is: You are here before this body that isn't the question; that is a statement of fact. You are here before this body, and you have a right to decline to answer any questions, the answers to which may tend to incriminate you.

However, my question to you was: With that in mind, knowing that you have a perfect right to decline to answer such questions, if you knew something that might incriminate you but at the same time might reveal a Communist plot to destroy this entire country, would you reveal it, even though it might tend to incriminate you - or would you rely upon your constitutional rights in that situation?

A I don't know.

You don't know. Well, that is what I am getting at. You want to cooperate, but still you want to be sure that your own skin is not punctured. Cooperation means a great deal more than just sitting in a chair and saying "I want to cooperate."

Cooperation sometimes means that you have to assume things, too. Cooperation might mean that you must assume some of the liability here; but if in assuming some of that liability you could reveal elements that are trying to destroy this country, you could be doing this country a great service.

I am trying to portray that to you as vividly as I can. Now, do you want to cooperate, or do you still want to rely upon your constitutional rights? A (No answer.)

Q Miss Glassman, what is the answer? A I believe I will continue to rely on my constitutional rights.

THE FOREMAN: Will you say that again, a little louder? I don't think they heard that.

THE WITNESS: I believe that - -

THE FOREMAN: You believe, or you will?

THE WITNESS: I believe that I will continue

to rely upon my constitutional rights.

Q And you still maintain that you are a good American, but you don't want to cooperate. I have told

you before that it is very essential to the lives of a good many people in this country that you reveal what took place at your house on that particular evening, when this man came to the door.

I am telling you again, now, that it may cost the lives of a lot of boys that are out in Korea - - and in spite of that fact, are you going to sit there now and refuse to tell us what happened that day?

This is serious, Miss Glassman - it involves lives.

I am not thinking in terms of you or me or anyone else.

I am thinking in terms of boys that are dying over there.

A (No answer.)

- Now, what do you say - will you tell us what happened, and try to cooperate? A (No answer.)
- Q Supposing you had a brother over there, facing those bullets, or supposing you had a husband - and supposing he might be killed, because of you sitting in that chair and holding back - would you like that? A (No answer.)
- Q Well, there are lots of women like that in the country, who have brothers and husbands and sweethearts out there now, facing those things; but it is up to people like you to come clean and tell us those things, so that we can avoid lots of bloodshed.

Why don't you, like a good American citizen, tell us what happened - and we will forget this whole proceeding?

That is what I am doing now - appealing to you as an American. Forget everything else. I am just appealing to you now as a fellow American, to tell us what happened there that night. A (No answer.)

Q What do you say, Miss Glassman? A I won't be able to say anything, if I think that may tend to incrimibut nate me. I will answer every other question,/if they will tend to incriminate me I won't be able to answer them.

You just don't care how many people die on account of you holding information back - - is that right?

A I wouldn't say I don't care about people dying.

Q In other words, you are more interested in the Communist cause than you are in the American cause - - is that right? A No, sir, it isn't right.

Q Then why don't you want to tell us, so that we can reveal these Communists? You know what they have been doing, you know about these atomic secrets that have been stolen. You know all that, you have read about it. We are trying to crack that group, and you won't help us. A (No answer.)

Now, will you disclose those facts? A I am sorry, I won't be able to answer any questions that will tend to incriminate me.

A JUROR: Mr. Lane, I wish you would ask her whether she is in favor of Russia having the atomic bomb, so that they can drop it on us.

MR. LANE: I think she was asked, but we will ask her again.

Q What is your feeling about that? A No, sir, I am not in favor of that.

A JUROR: But you are helping them get it, so that they can kill us, including you?

THE WITNESS: No, sir, that isn't so.

Q Suppose we tell you that that is so, the facts that you are holding back may be the cause of one of those bombs dropping on New York City. In spite of that, you don't want to tell us, is that correct? A (No answer.)

What is your answer, Miss Glassman? A I told you, Mr. Lane, that I am not prepared to answer any questions that would tend to incriminate me.

THE FOREMAN: Mr. Lane, is that the answer to your last question? Could that last question you have asked her be repeated?

MR. LANE: Yes. (To Reporter) Will you repeat that?

[Reporter reads: "Suppose we tell you that that is so, the facts that you are holding back may be the case of one of those bombs dropping on New Yok City. In spite of that, you don't want to tell us, is that correct?"]

THE FOREMAN: I want to be sure whether she is answering that question, or a later one.

THE WITNESS: What is the last question?

[Reporter reads again: "Suppose we tell you that that is so, the facts that you are holding back may be the cause of one of those bombs dropping on New York City. In spite of that, you don't want to tell us, is that correct?"]

- Q What is the answer - would that answer tend to incriminate you? A I wasn't referring specifically to that question.
- Q Then listen to the question. The question will be repeated. This act, Miss Glassman, does not impress me at all. Just listen to the question, and answer it.

[Reporter reads again: "Suppose we tell you that that is so, the facts that you are holding back may be the cause of one of those bombs dropping on New York City. In spite of that, you don't want to tell us, is that correct?"]

What is your answer to that question? A My answer is that I will not answer any questions that will tend to incriminate me. The other part of it is not a question; you made a statement.

THE FOREMAN: You won't answer any questions, but will you answer that question, on that basis THE WITNESS: I don't understand the question.

A JUROR: Mr. Foreman, I think this witness absolutely insults the intelligence of the Grand

Jury. She absolutely insults our intelligence.

MR. LANE: There is no question about it.

A JUROR: She is not stupid.

(To witness) You are too smart; you are too smart to be an American. You don't deserve to say you are an American. We will see that those questions are answered. As a Grand Jury we will see that they are answered.

MR. LANE: I think, Mr. Foreman, that there is no use of trying to talk sense to this particular witness. I think that you should excuse her for the moment, but with the admonition that she is to be recalled here at my behest, pursuant to direction from you.

A JUROR: Will she remain in the building, Mr. Lane?

MR. LANE: No, she does not have to today. The Judge is not around. But she is still under subpoena, and she will come here at our call, at any time that we ask, and we will have her before this body again in the next few days.

THE FOREMAN: You are excused until further notice.

(WITNESS EXCUSED)

(Witness, Robert B. Seidman, recalled.)

MR. LANE: We are going to excuse you temporarily subject to call by the Foreman. You understand you are being excused temporarily but you are mt finished here?

THE WITNESS: Yes, I understand that.

MR. LANE: The Foreman will direct me to tell you when they want to see you again.

THE WITNESS: Yes, sir. May I say something?

THE FOREMAN: Yes.

THE WITNESS: I'd like to amend my testimony.

I was thinking about it outside and it seems to me

I was too definite in two respects in relation to my

own recollection, and it seems to me only fair to

amend it.

MR. LANE: Amend it.

THE WITNESS: First of all, I think I was too definite as to whether or not we had talked about this \$200 a week figure on Thursday night. It seems to me now that I recollect, I joubt this figure came up. She didtalk about fee but I do not believe it was as definite as getting down to figures. That probably came up in the next few days, the exact time I do not remember.

The second respect, I think I gave the impression my relationship with Miss Glassman was truly

and strictly on a business level. That was part of it, of course. I met Miss Glassman and felt she was a very appealing young lady, and the relationship was not wholly of a business nature. She was a friend, and I wanted to help her as a client and friend, as well as being on a purely business relationship.

JUROR: Did you spend any time with her socially -- evenings?

THE WITNESS: Back in December, when I was representing her union in the matter, she came up and visited my wife --

JUROR: You belong to any groups in connection with her -- any groups?

THE WITNESS: No, sir.

JUROR: Any organization she and you are both members of?

THEWITNESS: No, sir.

JUROR: Social as well as political.

THE WITNESS: Not that I know of. The relationship I had with her -- it was a fairly long arbitration I was handling, involving 800 employees of many different classifications, so it took a great deal of preparation, and she did most of the factual work. I believe I drew a fifty-some page brief in the matter.

JUROR: What union is that?

THE WITNESS: Social Service Employees Union.

JUROR: You deny you are a member of any political party she may be a member of?

THE WITNESS: So far as I know.

JUROR: Your answer is no?

THE WITNESS: I do not know what political parties she may be a member of, that is my answer.

JUROR: Political party is only one party.

THE WITNESS: I do not know what party she is a member of.

JUROR: You do not know what party she is a member of?

THE WITNESS: I do not know about her politics, actually.

JUROR: You stated you planned so take a vacation?

THE WITNESS: Yes, if I possibly can get away.

JUROR: When did you plan to get away?

THE WITNESS: Just as soon as I can get rid of this proceeding.

JUROR: In other words, you intend to remain here until these proceedings are disposed of? Do you honestly believe that we would want to believe you, as an intelligent man, that you do not know what political party she belongs to?

THE WITNESS: It is the truth, sir.

JUROR: That is your honest feeling?

THE WITNESS: Yes.

JURCR: You want us to believe that you had no idea of the political party she belongs to?

THE WITNESS: I do not ask people their political opinions.

BY MR. SAYPOL:

- That is not a responsive answer to the question-"I do not ask people their political opinions." Did you
 have any conversation with her about that? A Nol sir.
 - Q Your answer is definitely no? A No, sir.
- Q Did she ever tell you? Did she ever volunteer to you what her political affiliation was? A $N_{\rm O}$, sir.
- Q You have just said something here that interests me. You said you wanted to clafify testimony that you had given. A Yes.
- Q You wanted to telax the definiteness of an answer which you had given. Do I understand that correctly?

 A Yes, sir.
- you have used the word "business". You mean in a professional sense, don't you? A Yes, sir.
- Q You say it was something in addition to a professional relationship? A No, sir. That isn't quite accurate. May 1 explain'
- Q Indeed. A She visited me as a lawyer, and she came to me as a client. In that sense it was a professional relationship. My interest in helping her was as a lawyer, but

it was not because of the fee, not only because of the fee I hoped to obtain, but because I was interested in her as a person.

- Q In what respect? A Just because I thought she was a very nice young lady who appeared to be considerably agitated.
- Q Let's not fence. You are not suggesting there was any sort of a meretricious relationship? A Of course not. There was not.
- tion by you, that your advice to her, or counsel to her, was engendered by something additional to the normal usual professional relationship? Why do you tell the jury that there was an additional factor in consideration when you advised her? A Well, when I was questioned before, Mr. Lane put a great deal of emphasis upon the question of fee, and I did not know what significance it has for the jury. But I felt that they were given to understand the relationship between us was that, and they should have an accurate picture.
- Q You shoul m't be concerned at all what the significance is as far as the jury is concerned except as it affects you personally. A 'hat's right.
- Q That is all you are concerned with, and the rest is none of your business except where you may be concerned with questions of professional ethics or, more importantly, questions of self-inclimination. Obviously as to the latter

you have a right nobody would deny you. I understand you have taken the position here that any information that you obtained from her is protected by the usual lawyer-client privilege. A Yes, sir.

- Q Now the import of your latest statement, it seems to me, would be to relax somewhat the ordinary rigid obligation that rests on a lawyer. Did she tell you these things as a friend or did she tell you these things as a lawyer, sir.
- Q So that this recent explanation of yours in a real sense is meaningless? A Well, it may be irrelevant, that I might agree, yes, sir.
- Q Frankly, I am completely in the dark as to what motivated such an explanation. I can't understand it. I think the jury probably feels the same way.

JUROR: May I ask a question? Did you say you did know her as a friend?

THE WITNESS: Yes.

JUROR: Weren't you interested in knowing what her political affilations were, as friends generally are?

THE WITNESS: I don't think I knew her that well. She was up at the house once or twice back in December for dinner.

JUROR: She met your wife?

THE WITNESS: Yes, she met my wife.

BY MR. SAYPOL:

- O You have other mutual friends? A Yes.
- Q Frankly, it is only a question whether it is not like the lady in the old Shakespearean play, who protests too loudly. A Believe me, sir, that is not accurate.
- Q It is not for me to believe; it is for the jury to believe.

JURCE: Will you repeat that, Mr. Saypol? I did not hear it.

MR. SAYPOL: It seems to me that the witness, like the lady in Shakespear's play, protests too loudly. What has his explanation to do with the subject under discussion? And I think there is plenty of room for profound thinking on your part.

THE WITNESS: I am prepared to answer any questions As I said in my explanation, I was afraid in the original questioning by Mr. Lane that the appearance that had been given is that of a relationship which had been motivated on my part purely by expectation of a fee. Now I think that that is an inaccurate description of my motivation.

BY MR. SAYPOL:

- Q What you are telling us is that you have a deeper interest in her than just as a kwyer? A Precisely -- no, no, no. I am not sure that is precisely right. I have a deeper interest in her than just a fee.
 - Q And what is that deeper interest in her, again?

- A Friendship. As I say, she is an appealing young lady.
 - Q Do you have mutual friends? A No, sir.
- How did you meet her? A She was the shop chairman of a group in her union that I represented in an arbitration there and which was fairly extensive and in which/was a great deal of factual preparation.
 - Q I think all of this leads to nothing.

JURCE: There is one question I'd like to analyze and that is this: We were given to understand, or it was stated, that the witness, his fee was based on \$200 a week, but after he consulted, or she consulted, a short time, she paid a part fee of fifty dollars. What was the basis for the fifty dollars? How did you arrive at the fifty dollars? Why wasn't it twenty-five, ten or one hundred. How many days had she been consulting you if she paid you fifty dollars, if the fee was an unimportant part of it?

(Cont. by IFG)

(Re: John Doe)

(Messrs, Saypol and Lane)

THE WITNESS: She said, "Now, you have been working for quite a while on this, and you have to get some income. Why don't you take this much, and we will see how much it comes to later?" That was the basis of it, sir.

A JUOR: Well, if you take two hundred dollars a week, and you take fifty dollars, that would be twenty-five percent of the week.

THE WITNESS: Yes, I would say that was roughly the amount of time I had spent with her.

A JUROR: Would you say about a day and a half?

THE WITNESS: That's right.

BY MR. LANE:

- Q Incidentally, in your firm that you are affiliated with, Mr. Boudin's firm, when you get fees do you have my agreement with that firm as to what you do with those fees?

 A You mean when I personally get fees?
- Q Well, what is your arrangement with the Boudin firm? A Well, as I have pointed out, I have been in practice for myself for about three or four weeks, and this is the first time this has arisen.
- Q What is your agreement with them? A I have no agreement.
- Q What do you get from them? A I don't get anything from them now. In the past three or four weeks, I have office space. I do a certain amount of work for them. As a matter of fact, this gets even more complicated

- sir. They have another tenant who rents rooms from them, and he has an extra room, and I do some of his work for my overhead; and that is the agreement.
- Q Well, what is your agreement with the firm, as far as fees are concerned? AFees that I receive?
- Yes. A The fees that I receive are mine. This is the only case we have had where there has been any inter-connection.
- Q Did you send this girl to see Mr. Boudin? A Yes, sir.
- When did you send her? A I believe on the Friday after I saw her.
- Q You saw her on Thursday night? A That's right: it was the very next day.
- A Have you consulted with Mr. Boudin on the case A I saw Mr. Boudin on the case for the since then? first time yesterday, after you had already advised me to come here.
- Why did you talk to him about the case? A Just to the extent of trying to find more attorneys that we could approach.
- Q Do you know what her bank balance is? A She told me she had enough money to pay a fee.
- Q Did she tell you how much it was? A It seems to me that comes within the privilege. I don't want to answer that question. That is a private matter. Why don't

you ask her?

- Well, did she tell you what it was? I don't want to know the amount. A She has told me.
- Q You asked her what it was, didn't you? A I asked her if she could pay a fee, and I asked her what her assets were.
- That does not come within the client-attorney privilege.

 A I am not sure that she told me. I told him that she could pay a fee, so that any attorney that she got would get a fee.
- Q Did Mr. Boudin say he had talked with her?
 A Yes, he did.
- Q Did he say when he had talked with her - when did he say he had talked with her? A I am not sure of the dates.
- Q But he told you yesterday that he had talked with her? A Yes, sir.
- Q Is that the first time you knew he had talked with her? A No. sir. I knew he had talked with her.
 - Q When did you know that? A She had toldme.
- When did she tell you? A I presume on Monday. That would be about the 7th or 8th of August.
- Q Well, did you criticize Mr. Boudin for talking with your client? A No, sir. Mr. Boudin and I have worked together for quite a while.

- Q But he is not associated with you in this case, is he? A As I have explained to you, sir -
- Just answer the question. A I am sorry. The answer to that is, no, sir, he is not associated.
- Q And you didn't object when Mr. Boudin conferred with your client? A No, sir. May I explain why I did not object?
- Wanted to go to Mr. Boudin, because he is the general counsel for her union. Since he was on vacation, she then came to me, as the only other lawyer that she knew. When she came to me, I told her I was no longer associated, as such, with the firm, and told her that Mr. Boudin was on vacation.

She said she would still like to talk to Mr. Boudin.

I told her I doubted very much that Mr. Boudin would take the case.

- Q Didn't she retain you? A Yes, sir.
- Q That is what I am getting at. After she retained you, Mr. Boudin consulted with her without telling you? A No. sir, it was with my consent.
- Will you explain that? A I sent him a telegram that Friday night, out to Fire Island. As you know, there are very few 'phones there, and I asked him to call me, and he called me the next morning, and I told him that Miss Glassman was coming out.

- For what purpose? A To consult with him.
- Q Did you know what she was going to consult with him on? A I assumed on the same matter that she had consulted me about.
- Q Didn't she think you were capable enough to handle her affairs? A She knows Mr. Boudin has been in practice many years more than I have.
- Q Did Mr. Boudin say anything about splitting the fees with you? A No, sir, because he didn't take the case.
- Q When Mr. Boudin talked with her, did he talk to her in a client-lawyer relationship? A Ipresume so. I wasn't there.
- Q Did he tell you that he did? A He certainly didn't use those terms. He didn't tell me, "She came out to me and I spoke to her as her lawyer."
- Q Well, did she retain him as counsel, too?

 A No, sir, I don't think so.
- As far as you know, he was never retained as counsel? A No, sir; as far as I know.
- Q So that as far as you know, any conversation between Boudin and Miss Glassman was not in a client-lawyer relationship? A No, sir, that is not so. If a client comes to me and asks me to take a retainer, and tells me certain facts, those facts are certainly in an attorney-client relationship.

- But you admit that at the time she talked to Mr. Boudin you and not he were her attorney? A I was retained by her, but she may have other counsel, too.
- Q Did she retain other counsel? A I am hoping that she has by now.
- But did she ever retain Mr. Boudin, to your knowledge? A To my knowledge, no.
- Q When did you send this telegram to Fire Island?
 A I believe it was Friday night.
- Q What is the date? A Thursday was the 3rd, is be that correct? Then it would/the next day, the 4th.
- Q On August 4th you sent a telegram to Fire Island?

 A That's right.
 - Q Addressed to whom? A Mr. Leonard Boudin.
- And what is the address? A I think it is Ocean Beach, Fire Island.
- And what did the telegram say? A It said,
 "Please call me Bob," or words to that effect; and I gave
 him the number to 'phone.
- And then he called you on what day? A Saturday morning, if I recall.
 - At your home? A Well, at my mother's home.
- At what time? A Fairly early, I think; probably about ten or eleven, but I am not sure.

 BY MR. SAYPOL:
 - Q What is your mother's telephone number?

- A Norwalk, Connecticut 6 9434.
- Q Where did you send the telegram from? A The same number Norwalk 6.
- Q You mean you 'phoned the telegram? A Yes. I went up to my mother's for the week-end, and after I got up there Friday night sent the telegram to Mr. Boudin, asking him to call me at that number.
- Q You sent the telegram by telephoning to Western Union from that Norwalk number? A That's right.

MR. LANE: Mr. Foreman, would you excuse the witness now, temporarily, with the admonition that he is to some back when you direct me to advise him?

THE FOREMAN: You heard that, did you?

THE WITNESS: Yes, sir.

THE FOREMAN: You are temporarily excused.

THE WITNESS: Yes, sir. Will that be today,

Mr. Lane?

MR. LANE: No.

(WITNESS EXCUSED)