

Tenicks -

*Indorse in
Gordon v US*

"B., proper cross-examination, defense counsel laid a foundation for his demand by showing that the documents were in existence, were in possession of the government, were made by the government's witness under examination, were contradictory to his present testimony and that the contradiction was as to relevant, important and material matters which directly bore on the main issue being tried: the participation of the accused in the crime. The demand was for those specific documents and did not propose any blind fishing expedition among documents possessed by the government on the chance that something impeaching might turn up."

"The better rule is - that upon the foundation laid the court should have overruled the objections which the government advanced and ordered production of the documents" p. 419

as hard to find as Dotties

as unfit for marriage as Dora Spaulding
according to Hayre

Marker
1931 1938
Richmond & Connally

- 1 Assume evidence that no one of Mfgs did anything as charged
- 2 Richward selected by Central Comm as managing Ed. People's World
also editor in chief executive editor
- 3 Stressed Leninist & Marxist approach
- 4 Representative of State Comm - Gates, Alexander & Richard
- 5 Present when CPUSA was made CP 1960
- 6 Rose elevator - attended at least 2 or 3 secret meetings with 7 other publications at home of Jessie Honig-Cannally -

1959 Editor LA edition of People's World - resistant to trial

June 1959 - American Strike

- NOTHING THAT SHOWS THEY EXPRESSLY ADVISED violent overthrow
- No study technique or advocacy of Marxism
- 1941 - Slovator's notes - mainst underground possibilities -
- world history -
 - 1943 - attended functioning meetings
 - 1945 - 26 June Meeting
- Daily People's World -
- Opposition to France - Recognize Communist China - Opposition to Korean War - opposition to Marshall plan -
- Slovo - 1st Editor as far back always present at CP meetings
- Sparsely money for People's World

- 1947 Della spoke of People's World giving instructions to party workers -
- Late 40s CP membership application had attached a card for People's World
- War in Korea - had leaflet of Party in it

1956 State Committee urged People's World to used in all mass community activities

Party brought new members thru People's World

Noel Smather plugs circulation for People's World

People's World vital to the realization of objectives

YATES:-

CONSPIRACY
INTENT + POWER

1. Sufficiency of evidence | 2. Is proof of ADVOCACY + TEACHING OF MARXISM + MEMBERSHIP IN CP SUFFICIENT - 3. INFERENCES OF INTENT & REFUSAL TO GIVE "INCITE" CHARGE - 5. CLEAR + PRESENT DANGER - 6. FAILURE TO CHARGE THAT FBI INFORMERS WERE AGREED WITH CONSPIRACY - 7. "ORGANIZE" DEFINITION - 8. CONTINUANCE OR PHILIP RICH STORY -

4. Incitement charge: Medina "object of conspiracy must be by language reasonably & ordinarily calculated to incite persons to such action"

ADVOCATE MEANS
TO URGE PLEAD
IN FAVOR OF
SUPPORT
VINDICATE OR
RECOMMEND
Publicly - NOT
beliefs or opinion

Any Advocacy
which does not
include the
using of force
& violence as
the means -- is
not within the
Issue and can
find no basis
for any finding -

FURTHER each
deft must have
specific intent
to cause or
bring about
The overthrow
& destruction
of US by
force & violence

as speedily as
circumstances
would permit

MATHEWS used "urged" (INCITE: MODE TO ACTION NOT NECESSARILY IMMEDIATE - ALSO ROUSE - STIR UP - TO SPUR OR URGE ON - EXCITE)

But Dennis did not consider that - there was no evidence on immediate action. Advocacy of violence before conditions are "ripe" for revolution is denounced - "left sectarianism" - opportune use of violence is objectionable -

Jury may have thought immediate action -

Dennis said this not necessary: - 341/509; 545-548; 568-570 -

"MUST YOU WAIT UNTIL THE PITCH IS SET TO

BE EXECUTED, THE PLANS HAVE BEEN LAID & THE
SIGNAL IS AWAITED" ALSO
"STRIKE WHEN TIME WAS RIPE"

Petitioners distinguish between advocacy of immediate
violence & future violence - but proper distinction is
advocating violence vs. mere abstract approval of
or prophesizing concerning its use - 341/501-2; 545-47
⁷⁷
570-572 - CJ said act directed at advocacy not discussion

5. CLEAR + PRESENT DANGER - is question of law -

Gov't must not wait until the overthrow becomes present literally,
Korea etc - ^{claim:} never had power to bring about - but if
is the conspiracy that creates the danger & leadership -

7. Organize charge: p. 93 MATHEWS: question is whether parties conspired to organize or help to organize + use CP
FOR such advocacy.

Organize includes recruiting of new members - forming
new units - regrouping or expansion of existing clubs, classes, & other units

CP says that occurred in 1945. Hence barred -

1. But conviction must have been on advocacy + organize hence Stromberg - Williams v NC & Cravens not opposite as CA said i.e. immaterial.
2. Organizing is continuous project - constant regrouping - Field organizers - LA organizers etc
Culson transferred to Wisconsin as organizer from the nat'l committee to give Wis. Party new life - a shot in the arm - "to organize us a little better" - In 1949 back in LA as organizer - Fox organized Haskill section in ST - South Side in LA split up - in 1947 all party clubs were split into squads - 3-5 persons
Lautner 3 systems -

Certainly Lautner had no intention of banning original organizing -
Patterned after NY Criminal Anarchy Act (Gitlow) 265/65-2
Webster uses like language (10+) & Funk & Wagstaffs "to bring into systematic connection & cooperation - bring parts into effective combination - organize an army -"

As to fact : - US v Flynn 216 F 2d 354, 358:-

As the appellants on this appeal do not directly challenge the sufficiency of the evidence as a whole to sustain their convictions, we need not consider the evidence in detail, save to say that we are satisfied that it was ample both to require the submission of the case to the jury and to sustain its verdict."

Conspiracy : On issue of particular defendant's intent the acts and declarations of co-conspirators during the course of the alleged conspiracy, without proof of ad hoc or general activities of accused are set in time and place in many relationships - what a man is upto may be clear from his acts - often it is made clear before we know the sequence of his acts with others - the interlocking between them - the give & take of the situation. Sphere relationships between deft & goths - responsibility in CP - activities in carrying forward its objectives & nature of the objectives are all relevant to intent.

Lauwers testimony

Clear & Present Danger - As he read 77 & Jackson they did not read it into Smith Act & found it over

All on well known

Schneiderman #1 - Yes to Lima $\frac{2}{3}$

Lambert Security Officer - pushing for Rev. Kava
might speak it

Fox Maritime Section Organizer - Party Rev. one
but would not stick out its neck