

US vs John Doe
August 16, 1950

IE-1

Pataki

ERNEST PATAKI, called as a witness, having first been duly sworn by the Foreman, testified as follows:-

BY MR. LANE:

Q Mr. Pataki, what is your address and your telephone number? A 217 East 19th Street, New York City. Spring 7-0961.

Q You are appearing here in response to a subpoena which was served upon you? A That's correct.

Q You understand that this is a grand jury? A I do.

Q And you understand that you are appearing here as a witness in connection with an investigation? A I do.

Q And I think you also understand your Constitutional rights, don't you? A I do.

Q Have you talked to a lawyer before you came here? A No, I haven't.

Q You may recall that you were in my office the other day and that you voluntarily gave a statement with respect to certain things that had to do with Miss Glassman, do you recall that? A Yes.

Q What is your occupation? A Electrical engineer.

Q What is your educational background? A College graduate, Cooper Union, 1944, Night School.

Q 1944? A That's right.

Q Were you in the service? A No, I wasn't.

Q You were what - 4F? A Yes.

Q Are you married? A No.

Q Were you ever married? A No.

Q When were you born? A 1915; June 5th, 1915.

Q Where? A In Hungary, Europe.

Q When were you naturalized? A In 1944.

Q Where? A I believe it was the Southern District of New York.

Q Are your parents in this country. A No. My mother only is alive and she is living in Hungary.

Q When did you come to this country? A 1936.

Q Did you come in as a quota immigrant? A That's correct.

Q After you came to this country you went to Cooper Union? A That's right.

Q And became an electrical engineer? A That's right.

Q Whom are you working for now? A Right now I do not have a job. I am between jobs.

Q When did you have a job for the last time?
A Last week I left my employment.

Q Where did you work? A The Federal Telecommunication Laboratories.

Q Where was that? A Nutley, N. J.

Q Did you leave there of your own free will?
A That's right.

Q You weren't fired? A No.

IB-3

Pataki

Q What was the reason for leaving? A I wanted to get another employment.

Q And have you tried to gain employment elsewhere? A Not yet. I intended to take a week or so off before I tried.

Q How long had you been with them -- was it Bell Laboratories? A No, Federal Telecommunications Laboratories.

Q How long had you been with that outfit? A Six years.

Q How much money were you getting when you left? A Approximately \$5800 a year.

Q Who was your boss down there, your immediate superior? A The so-called project engineer's name was Mr. Sidney Moskowitz.

Q Sidney Moskowitz? A That's correct.

Q Is he any relation to Miriam Moskowitz, the girl that was arrested in the Brothman case? A I know nothing about that.

Q Do you know Miriam Moskowitz? A No.

Q Do you know Brothman? A No.

Q Do you know Harry Gold? A No.

Q Do you know Julius Rosenberg? A No.

Q Do you know Ethel Rosenberg? A No.

Q Do you know David Greenglass? A No.

Q Do you know Ruth Greenglass? A No.

Q But you do know Vivian Glassman? A Yes.

Q How long have you known Vivian Glassman? A Four or five years.

Q Where did you first meet her? A At a friend's house.

Q At a friend's house? A That's right.

Q Can you tell the jury whose house that was?

A The name of the person is Miss Elizabeth Hollis.

Q Where does she live? A I don't have the number.

Q Is it in the Village? A It's on the east side, downtown east side of New York.

Q Do you have a telephone number for her? A I don't have it.

Q Can you get it? A Well, the operator will, probably.

Q If you can get it, give it to me, if you will?

A Right now?

Q I don't mean now. I mean later. After you are through here today. A Yes.

Q Did you know Joel Barr? A No.

Q Were you connected in any way with the Young Communist League, did you belong to any of their clubs?

A I understand that it is my Constitutional right not to answer.

Q If you think it is going to incriminate you, you can. A I don't think it will incriminate me.

Q Do you think it might incriminate you to say you belonged? A I would prefer not to answer questions regarding political affiliations.

I want to explain this to you. You have a right to refuse to answer questions, but it is only on one condition, that is, that if you think that answering that question will in any way tend to incriminate you, in other words, if you think that if you answer that question it will reveal the fact that you committed some crime, you can raise that privilege. But that is the only reason you can give to decline to answer. You must tell the jury that you are declining to answer on the grounds that an answer to that question will tend to incriminate you. You can just refuse because you don't want to. Do you understand that? If you think that that question in anyway tends to incriminate you, just by merely belonging to that organization -- if the fact that you are a member you think can subject you to indictment, just that fact, then you can refuse to answer. A Could I postpone answering the question until I have an opportunity to consult a lawyer on this?

Q No, I am afraid not. You can refuse to answer on the ground it will tend to incriminate you. A Well, then, I will refuse on those grounds.

Q That it tends to incriminate you? A Yes.

Q Have you ever been a member of the New York State Communist Party? A I'd like to refuse to answer that on the same grounds.

Q Miss Glassman and you have been friends for about five years, you say? A Yes.

Q And your relationship has been more or less intimate? A Well, not throughout the whole period.

Q No, but recently? A That's correct.

Q Now, do you recall receiving a telephone -- do you recall having had a telephone conversation with Miss Glassman during the latter part of July of this year, in which she spoke about some man being at her door in her apartment? A Yes, I do.

Q Will you tell the jury as best you can what transpired there? A One evening Miss Glassman called me up --

Q This is the latter part of July? A Yes. And she said there is somebody at the door whom she doesn't know and she is afraid to let him in. I said that I will hang on to the phone while she let's this particular person in. She left the phone, she was away for several minutes and then she came back and I asked her, what is it? She said, "It's all right. I will call you back later."

Q Is that all she said, "It's all right. I will call you back later"? A That's correct.

Q Did she say it was somebody she knew? A No.

Q Did you call her back later? A Did I?

Q Did she call you? A I don't know.

Q Did you talk to her that night again? A No. I left home and I don't know whether she called or not.

Q When did you talk to her next? A I don't exactly recall. It was several days later.

Q Where did this conversation take place? A When I talked to her again?

Q When you next talked to her. A I don't exactly recall. She may have called me up for a date and then we met someplace, but where, I have no recollection.

Q When you met her this time and you talked about this telephone conversation that you had, what did she say about that individual? A This telephone conversation never came up again.

Q At this juncture I want to remind you and emphasize it quite emphatically, that whatever you say here is under oath and it is subject to the penalties of perjury. A I understand.

Q You understand that if you fail to truthfully answer any questions here that you can be indicted for perjury?

A I understand.

(Cont. by IFG)

II
IFG-1
(From LB)

August 16, 1950

(Mr. Lane)

Pataki

0110

(Re: John Doe)

Q Now, with that in mind I again ask you if you ever discussed that telephone conversation with Miss Glassman? A I did not.

Q You never did? A No.

Q Did you ever discuss the incident pertaining to that telephone conversation? A I have no knowledge of any incidents pertaining to that telephone conversation, and I never discussed it with her.

Q Do you recall the day that Miss Glassman was interviewed by the F. B. I. agents? A Yes.

Q The first week of August, 1950 - I believe it was August 3rd - - do you remember that? A I don't exactly know the date, but I remember the occasion.

Q Well, I believe it was the first week in August, on a Thursday, and I believe it was August 3rd - - and do you recall that she was interviewed? A Yes.

Q Do you recall where? A No, I don't know where.

Q But you do recall that after she was interviewed she talked to you? A That's correct.

Q What did she say, what did she tell you?

A She said she was interviewed by the F. B. I., and I may be interviewed, too.

A JUROR: We don't hear you.

THE WITNESS: She said she was interviewed by the F. B. I. and I may be, too.

Q Now, what did she say about that interview?

A That is all she said.

Q Now, look, please - you are talking to intelligent people. Here is a person you have been quite intimate with, she has been brought down to the F. B. I.; and all she says to you is that she was interviewed, and she refuses to talk about the subject matter? That does not make sense. A She refused to say any more.

Q Did you ask her? A I asked her, but I didn't press her.

Q What did she say when you asked her? A She said she wouldn't say anything more about it.

Q What did she do next? A I don't know what you mean.

Q Well, what did she do after she spoke to you and declined to tell you the subject of the conversation with the F. B. I. - did she go out to see a lawyer, or did she call anybody? A No, she talked to me after she was to a lawyer.

Q What time did you leave her on that particular night? A She stayed with me.

Q Didn't she call a lawyer that night? A I don't know whether she did or not.

Q Didn't she go up to see a lawyer? A She said she came from a lawyer.

Q What time was this? A Late at night - maybe one o'clock.

Q Did she tell you who the lawyer was that she had seen? A No.

Q What did she say that the lawyer had told her? A She didn't say.

Q She didn't discuss her conversation with the lawyer at all? A No.

Q The next day was Saturday -- what did you do? A The next day was Friday.

Q All right, on Friday what did you do? A I went to work, where I had an interview with two F. B. I. agents at work.

Q At your place? A At work.

Q And now are you sure that you weren't let go from the place where you were working? A I am positive of that.

Q Did you give your notice? A Yes.

Q When did you give it - before the F. B. I. agents interviewed you? A No; the following Monday.

Q Well, was there any coincidence to that? A No. I had intended to take this step for quite a while.

Q Well, had you notified anyone of your intentions in this regard? A I gave notice to the company on Monday, and I left at the end of the week.

Q And whom did you give your notice to? A My superior.

Q Well, on Saturday, after this -- the day after

you had been interviewed by the F. B. I., what did you do?

A I accompanied Miss Glassman to Fire Island, where she was going to see her lawyer.

Q And when you got to Fire Island, what did you do? A We went to this lawyer's house.

Q Who was he? A Mr. Boudin.

Q And what happened when you got there? A Mr. Boudin and Miss Glassman went into another room, and I waited.

Q How long a period did this take? A This was about an hour. Then they came back, and the lawyer had his dinner while we went out for a walk.

Q Did you have dinner, too? A Yes.

Q And when you came back, what happened? A I am trying to exactly recall. When we came back again, they had a discussion. I believe they went out for a walk, while I waited in the house.

Q And they came back, I assume? A Yes, then they came back.

Q Then what did you do? A Then we were trying to get home from Fire Island, which was difficult because the last boat left in the meantime.

Q How did you get back? A We had to charter a boat.

Q How much did you pay for that? A Fifteen dollars.

Q Who paid for that? A We both paid, we both contributed.

Q Now, were you in company with Miss Glassman at any other times when she talked to lawyers? A I accompanied her, but I never was present at any discussions that she had.

Q Now, where did you accompany her? A The following Sunday we again went out to Fire Island, to see the same man.

Q Well, on the first trip to Fire Island, after Miss Glassman had talked to Mr. Boudin, did she tell you what the result of her conversations were? A No.

Q She didn't mention it? A No.

Q You were just sort of a silent observer?

A That's correct.

Q You didn't discuss it at all? A No.

Q You asked no questions? A No.

Q Isn't that a little odd? A Well, by that time I understood that she wouldn't talk about it, so I didn't press it.

Q Well, is she a rather peculiar girl? A No.

Q There is nothing wrong with her? A No.

Q Do you think that she is mentally all right?

A Yes.

Q On this second trip out to Fire Island, what happened? A We started out in the morning, Sunday morning,

and when we got there again we went straight to this lawyer's house, and again she went to another room with him, and again they came down after a while; and then we sat around talking; and then again later they went out for a walk.

Q And again they came back? A That's right.

Q This time you made the boat, I take it? A Yes.

Q Did she say anything to you about the context of her conversation with Boudin? A No.

Q Did Boudin talk to you at all? A Well, he said "Hello," and a few words.

Q Is that all? A That's right.

Q Did he discuss with you your conversation with the F. B. I. agents? A No.

Q Did any lawyer discuss with you your conversation with the F. B. I. agents? A No.

Q Did Mr. Seidman ever discuss with you your conversation with the F. B. I. agents? A No.

Q Did you ever talk to him about this matter?
A No.

Q Did you ever sit in while he talked to Miss Glassman? A No.

Q Did you know that Miss Glassman had paid him a fee? A No.

Q She didn't tell you that? A No.

Q Did she borrow any money from you? A No.

Q Do you know a Mr. Perl? A No.

Q You never heard of him? A No.

Q Did Miss Glassman ever talk to you about this Mr. Perl? A No.

Q Did she ever talk to you about a contemplated trip to Cleveland? A No.

Q Did she ever tell you that she went to Cleveland in July or August of this year? A No.

Q Did she mention the fact that she had been to Cleveland in July of this year? A No.

Q She said nothing at all about those things? A No.

Q After her appearances before the Grand Jury here, on these recent occasions, did she tell you anything about what transpired in the Grand Jury room? A No.

Q She didn't discuss it at all? A No.

Q Are you sure? A Yes.

Q Do you realize that ^{if} you are telling an untruth you can be indicted for perjury? A Yes, I realize that.

Q And in spite of that fact, you still say that you had no discussions at all with Miss Glassman concerning what transpired here in the Grand Jury - number one; and, number two, your conversations with the F. B. I. agents; and, number three, anything that took place with Mr. Boudin? A Yes.

Q You say you didn't discuss the case at all with Mr. Boudin? A That's right.

Q And he didn't talk to you about it? A That's right.

Q And Mr. Seidman has not talked to you about the case? A That's right.

Q He hasn't talked about your telephone conversation with Miss Glassman on that particular evening in August, 1950? A No, he didn't.

Q So that, as far as you are concerned, you know very little about this case, is that right? A That's right.

Q Now, do you have any explanation for your intimate relationship with Miss Glassman - - are you engaged to be married or anything? A Not formally.

Q Have you discussed it? A I beg your pardon?

Q Have you discussed marriage with her? A Yes.

Q And do you intend to marry her soon? A I may. The decision hasn't been reached.

THE FOREMAN: What is that?

THE WITNESS: A decision hasn't been reached.

Q Now, I think you gave the F. B. I. permission to search your apartment, is that correct? A That's correct.

Q Did you talk to them about this material which they obtained there, in your apartment? A Yes.

Q Did you explain what it was? A I didn't explain what it was.

Q Well, do you recognize it? A Yes.

MR. LANE: May the record indicate that the witness has identified the material which the F. B. I. obtained in his apartment, with his consent, in the past few weeks. May the record indicate that the witness has seen it and has identified it.

[Marked Grand Jury Exhibit 1, this date.]

Q Now, I notice that a lot of these are petitions of one sort or another. Do you know Joseph Surat? A I beg your pardon?

Q Do you know Joseph S-u-r-a-t? A No.

Q Isn't he a friend of Vivian's? A I don't think I know anyone by that name.

Q And your apartment is located where? A 217 East 19th Street, New York City.

Q And do you have an apartment number? A 4-A.

Q Do you have a lease? A No.

Q Who is the landlord? A Mr. Philip Kassier.

Q Does he live in the same building? A I don't believe so.

Q What do you pay for rent? A Forty-three dollars.

Q Were you interested in this organization for the American Committee for Spanish Freedom? A I have contributed to that, at some time or other.

Q Yes; I notice among these documents is a receipt

for six dollars that you contributed. What was that - the American Committee for Spanish Freedom? A An organization helping - - mostly helping refugees from Spain.

THE FOREMAN: Helping whom?

THE WITNESS: Helping refugees from Spain.

A JUROR: Spanish refugees?

THE WITNESS: That's right.

Q Were they refugees from the Spanish War? A That's right.

Q They were the ones that fought against Franco, is that right? A That's right.

Q And what are these cards that say: "Call to William Z. Foster Day in honor of our National Chairman's Birthday - Sunday, March 21, at ten o'clock sharp" - - what is that supposed to be - - that is the New York County Committee of the Communist Party, is that right? A I don't know.

Q Here (hands witness card). A This is obviously an invitation to a meeting.

A JUROR: What does he say?

MR. LANE: He says it is an invitation to a meeting.

Q I notice they all have "350 East 81st Street" - what does that mean? A I don't know.

Q Is that your writing on there? A No.
where

Q Do you know/or whom you received those from? A No.

THE FOREMAN: Did you attend?

THE WITNESS: No.

Q Now, there is a letter from the New York State Communist Party, 35 East 12th Street, dated April 7, 1948, and it is addressed to "All teachers of ideological campaign classes in branches, all Party Teachers." Now, will you tell me who sent that to you? A I have no recollection of that.

Q Did you attend the meeting Saturday, April 17th, at 2:30 P. M. in the Henry Forbes Auditorium? A No.

Q How about this "New York County Education Department Bulletin" - do you remember when you received that? A No, I don't recall that.

Q These "World Peace Appeals - Stop the Atomic War" - can you explain these petitions? A I don't know what you mean by "explain."

Q Well, where did you get those? A Those I may have picked up at our union office.

Q What union is that? A The United Office and Professional Workers.

Q Did you pass them out, or distribute them to people? A No, I didn't.

Q Did you obtain any signatures on these yourself? A No, I didn't.

Q Then you have here "A discussion of the outline on the Italian Elections, April 18th." Can you tell me

where you got that? A I have no recollection.

Q Well, you do have in your apartment a great deal of literature on Communism and Communist activities - is that correct? A I have books, yes.

Q And you read a great deal - you have read those books? A Many of them.

MR. LANE: Could we adjourn this until tomorrow?

A JUROR: I would like to ask one question: Who told you you didn't have to answer questions about your Communist activities?

THE WITNESS: I don't recall anyone specifically telling me.

A JUROR: You seem to know all about that.

THE WITNESS: I may have read it.

THE FOREMAN: You say you have no lawyer, and you don't seem to know anything about that - - who told you that it might incriminate you - did you get that from reading the papers, or something like that?

THE WITNESS: Yes, I may have read it in the papers.

THE FOREMAN: You couldn't possibly have gotten it from your Communist affiliations?

THE WITNESS: (No answer.)

THE FOREMAN: Who sponsors this peace movement

that you "may have picked up," possibly?

THE WITNESS: Many different organizations, among them unions.

THE FOREMAN: Are these unions Communistic?

THE WITNESS: I don't know.

THE FOREMAN: And with all this evidence, you still say that you decline to say whether you are a Communist or a member of the Y. C. L.?

THE WITNESS: That's correct.

A JUROR: You carried a letter around with you for two years - yet you don't know who gave you that letter, or for what purpose you carried that letter around with you - that letter of 1948, which was found now?

THE WITNESS: I did not carry it with me.

A JUROR: But it was found - -

THE WITNESS: It was found in my apartment.

THE FOREMAN: Will you grant one thing, please - that you are talking to intelligent people - - yes or no?

THE WITNESS: Certainly.

A JUROR: When Miss Glassman told you that you might be interviewed by the F. B. I. did she give you any reasons, or did you ask her on what she based that statement?

THE WITNESS: I asked her, but she refused to

answer.

A JUROR: Did you discuss with her the fact that you had been interviewed by the F. B. I.?

THE WITNESS: I mentioned the fact.

A JUROR: That is all?

THE WITNESS: That's right.

A JUROR: She didn't ask you?

THE WITNESS: No.

A JUROR: You want us to believe that you never discussed any of this with her?

THE WITNESS: That's correct.

A JUROR: Did you ever discuss with her/the theory of Communism?

THE WITNESS: No.

A JUROR: You never discussed it?

THE WITNESS: No.

A JUROR: How many years do you say you have been going with Miss Glassman?

THE WITNESS: About a year and a half.

A JUROR: And over that time you have been seeing her constantly?

THE WITNESS: I wouldn't say constantly, but frequently.

A JUROR: A couple of times a week?

THE WITNESS: About that.

A JUROR: Continuously for that time?

THE WITNESS: That's right.

MR. LANE: Mr. Foreman, will you excuse him until tomorrow?

THE FOREMAN: You are excused until tomorrow.

THE WITNESS: What time, please?

THE FOREMAN: Eleven o'clock.

(WITNESS EXCUSED)