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

BY MR. LANE:

Q Mrs. Pasternak, you too have the benefit of an attorney, don't you? A Yes.

Q What is his name? A Mr. Ferkow.

Q I can tell you this: I have asked your husband about the details of the note which was left under the door, and he was quite cooperative and he told us what he knew about it. So I amgoing to ask you to tell us in your own words what you know about it too. A All I know is that he told me hat he had had a note about Morton Sobell, and that he tore it up, that's all.

Q Do you recall the time, the date, thatyou received that note? A I don't remember it.

Q Do you recall the time of the day that he received it? A I don't know. I wasn't home. He told me when he came home from work.

Q He told you when he came home from work? A Apparently he got home before I did.

Q Where were you that day? A I was out.

Q I know, but were you to a movie or to a horse show? A No, I had been at work.

Q Do you have a job too? A Yes.

Q Where do you work? There is nothing wrong with that, is there? A Well, maybe I better refuse to answer on the

ground bat it might incfiminate or degrade me.

Q Do you think it will incriminate you, really, frankly? A I don't know. Maybe I had better consult my attorney.

Q As to where you work? A That's right.

Q Is this a regular job you have? A Yes.

Q Where you get paid for working? A Yes.

Q Are you a writer? Is it a writer's job? A No.

Q A typist job? A Just an office worker.

Q An office worker? A Yes.

Q Can you tell us where you work? A No. I decline to answer.

Q Or can you give us the address where youwork? A I decline to answer.

Q Or the store where you work? A I decline to answer on the groundthat it might incriminate or degrade me.

Q Or can you tell us the county youwork in? That can't incriminate you. A I work in Manhattan county.

Q And in the UnitedStates, that kind of question. In other words, we'll get something out of you that won't incriminate you, is that right? A Yes.

Q Can you tell us how much you get aweek? That won't incriminate you. A I refuse to answer on the ground that it might incriminate me.

Q It will incriminate you? A Yes.

Q Do you pay a social security tax? A Certainly.

Q That won't incriminate you, will it? A No.

Q Do you have a social security number? A Yes.

Q Can you give me that? A I don't have it with me.

Q You can get it for me, can't you, your social security card? A Yes.

Q That certainly can't incriminate you, can it? Look, that is a matter of record, Federal record, social security number. That is something that, independent of you, I can get anyway, right? A Yes.

Q So how can that incriminate you if that is a matter of record? A I don't know too much about the law.

Q You see, if it could incriminate you, and I want to incriminate you, what would prevent me from doing that? There is nothing that is a matter of record thatI cannot get, you know that. That's A, B, C. So if I thought that was incriminating and I wanted to incriminate you, you would be incriminated. That follows as a matter of course. I know that is a matter of course. If it were incriminating, something I could look up and we could have incriminating you, we could have incriminated you a long time ago if we wanted to incriminate you, is that right? A Yes.

Q I mean, that's logical. A Yes.

(Cont. by IFG)

Q So you could save me a lot of looking up if you want to answer this question. A May I consult my attorney on that?

Q Sure. A All right.

Q Let me ask you one or two more questions. You can consult him on that phase of it. Now, how long have you been working in this particular position you spoke about? A Oh, eighteen years.

Q And who takes care of the child when you work? A My little girl is big now.

Q How old is she? A Twelve years old.

Q And she takes care of herself? A I have a domestic worker.

Q You have someone come in and handle things at the house? A Yes.

Q Do you use a typewriter at the office? A Very rarely.

Q And do you recall what part of July you received this letter, or your husband received this note, rather? A I don't know.

Q When did he go out to Camp Unity? A I am sorry, I refuse to answer on the ground that it might incriminate or degrade me.

Q It might incriminate you to answer when he went up there? A (No answer.)

Q Would it incriminate you if he went up there?

A I don't know.

Q Well, would the fact that he went up there incriminate you? A I don't know.

Q You see, what you forget is that the last time you were in here you testified that your husband did go up there, and we all know that he went up there, and now you say it would tend to incriminate you. I don't get it, frankly; I don't know what you have in the back of your head.

You see, you can't testify that everything I ask you would tend to incriminate you. You can't just throw that out. If it would actually incriminate you, say so; but if it doesn't, answer the question. I am certain that everything I ask you here couldn't possibly incriminate you. A Mr. Lane, I don't know the law, and that is why I say if I could consult my lawyer I would know whether to answer it or not. I don't know the law, you see.

Q I don't think you have to know much law to be able to answer certain questions. If I ask you whether you shot someone this morning, you certainly wouldn't need a lawyer to know how to answer that one. If you didn't shoot him, you would say, "Certainly, I didn't shoot him." You wouldn't need a lawyer for that. And you are no dummy; you are a very intelligent woman, aren't you? A (No answer.)

Q You are well educated, aren't you - - you are a writer? A I am not a writer.

Q You used to be, weren't you? A No.

Q Well, you used a typewriter in Moscow, didn't you? A That was office work; I am not a writer.

Q Now, let us get to something which is surely not incriminating. After your husband received that letter or note that he told you about, when he told you about it what did he say happened, in his words? A He said he destroyed it.

Q Did he tell you why he destroyed it? A He didn't know what it was all about, and he destroyed it.

Q Did he tell you what the contents were? A No, he didn't; he just said it was something about Sobell - -

Q Do you want to talk to your lawyer? He is outside.

[WITNESS LEAVES ROOM, AND RETURNS.]

Q Now, Mrs. Pasternack, I have given you an opportunity to discuss this matter with your attorney. Now can you tell me whether, in July, your husband went up to Camp Unity? A Yes.

Q Now can you tell me when, in July, he went up there? A I don't remember the exact time. It was the time when his shop had vacation, and I am not quite sure of the exact date. It may have been the second week in

July or the third week in July. I don't recall at the moment when he got his vacation, but we had been there before, for week-ends.

Q You had been there before for week-ends, in July? A Yes.

Q Did you go up at all while he was there? A Yes, I went up for a week-end.

Q You didn't stay up there when you went up there for the week-end? A That's right.

Q Did your daughter go up there with you? A She may have gone up with me once, I don't know.

Q I assume you didn't go up there because you were working. A That's right.

Q Do you get a vacation where you work? A Yes.

Q Did you get one during this past year, 1950? A Yes.

Q When your husband received the note, and he discussed it with you, I assume - - did he tell you who he thought it was from? A No. He didn't know.

Q Did you see the note itself? A No.

Q Did he tell you what the gist of it was, in substance? A Well, he just said he had a note about Morton Sobell.

Q And did he say where Morton was? A No, he didn't tell me anything.

Q Well, did you know at that time - - I assume

you did - - that Morton had left the country? A I refuse to answer on the ground that it might incriminate or degrade me.

Q Had you talked with Morton's folks prior to receiving that letter as to Morton's whereabouts? A I refuse to answer that on the ground that it might incriminate me.

Q Had you talked to Morton's folks at all about any subject duringJune or July, 1950? A I am trying to recollect whether I saw them. I may have seen my sister-in-law; I don't know.

Q You might have seen her? A Yes.

Q Did you talk with them by telephone during June or July? A I don't recall.

Q Did you talk or communicate with any of your relatives, or your husband's relatives, with reference to Morton, during June or July? A I refuse to answer, on the ground that it might incriminate me.

Q Did anyone inform you that Morton had left New York City in June of 1950? A I refuse to answer on the ground that it might incriminate me.

Q You appreciate the fact now, when I ask you that question, that if you don't know you should answer "I don't know," because you are bound to do that? You just can't answer "I refuse to answer on the grounds it might incriminate me," if you actually don't know the

answer to that question. Do you understand that?

A Well, I answered that I refuse to answer.

Q Yes; but do you understand what I said? In other words, you have a right to refuse to answer a question which I ask, if the answer would tend to incriminate you. That is number one. However, if I ask you a question, and you don't know the answer, you can't say "I refuse to answer on the grounds it would tend to incriminate me." You have to say then, "I don't know." Do you get the distinction - - there is a difference - - you understand that? A Yes.

Q You understand the difference? A I think so.

Q In other words, if I ask you, "Have you ever been to Africa?" and you have never been to Africa, whether it would tend to incriminate you or not if you did go, the fact that you had never been to Africa, you would have to answer, "No." Do you follow me?

So that, if I ask you a question about the Sobells, and you don't know the answer, you have to say, "I don't know." But if you do know the answer, and you believe that the answer would tend to incriminate you, then you have the right to say - if you don't want to answer that particular question - that you refuse to answer on the grounds it would tend to incriminate you.

Therefore, if I ask you a question about the Sobells, and you do know the answer, and you don't want

to answer on the grounds it would tend to incriminate you, you may say so, but if you don't know the answer you must say, "No." Is that clear? A Yes.

Q Now, did you know that Morton Sobell had left New York with his family in June of 1950? A I did not know.

Q You see, that is better than saying, "I refuse to answer."

THE FOREMAN: That is getting somewhere. You only make it worse for yourself if you refuse to answer when you actually don't know something.

Q Now, did your husband ever speak to you about Morton's departure from New York? A No, sir.

[Photostat marked Grand Jury Exhibit 6-A, this date.]

Q Now, I show you an exhibit, which I have marked Grand Jury Exhibit 6-A, which is an envelope, and I ask you if you have ever seen that paper? A No, sir.

Q Never? A No, sir.

Q Did you write any letters to Mexico in June or July of 1950? A No, sir.

Q Do you know whether your husband ever wrote any letters to Mexico in June or July, 1950? A (No answer.)

Q Do you or don't you know whether he actually

wrote letters to Mexico in June or July, 1950? A I don't know; he never told me.

Q That is good enough, if you don't know. Do you use a typewriter where you work? A Very rarely.

Q And have you received any letters from Morton in the last year? A No, sir.

Q Has your husband received any letters from Morton in the last year, that you know of? A No, sir; we haven't been on speaking terms.

Q Do you send Christmas cards to each other? A No, sir.

Q Do you send any other sort of greeting cards or otherwise? A No, sir.

Q You say you haven't been on speaking terms with Morton. Why is that? A Family squabble.

Q But what sort of squabble? A I have nothing to do with it, but my husband got involved in some kind of family squabble some years ago.

Q What sort of squabble was it? A I guess mother-in-law - daughter-in-law relationship.

Q Where did Morton come into it? A I don't know the details, I am sorry, but I haven't seen Sobell and I haven't heard from him in years.

Q From the Sobells? A From Morton Sobell.

Q How does your husband get along with his sister-in-law? A With his sister-in-law?

Q With his sister. A All right.

Q He hasn't a sister-in-law, has he - your husband? A A sister-in-law?

Q Yes. A Surely, he has.

Q How many sister-in-laws does your husband have? A He has sister-in-laws; I don't know - - there are on both sides of the family.

Q How many? A I would have to count them.

Q Quite a few? A Yes.

Q And does he correspond with them? A No.

Q Well, how are your relationships with the other members of your family, outside of Morton? A Good.

Q Do you visit each other? A On occasion.

Q Have you - you, or your husband - visited Morton at his home? A I never visited him.

Q But has your husband ever visited him? A I don't know.

Q Has Morton or his wife ever visited you people? A Never.

Q How are your relations with Edith Levitov? A I don't know the girl.

Q You never met her? A I met her once; I don't know her.

Q Where did you meet her? A I think I met her in camp.

Q At Camp Unity? A Yes.

Q When? A During the summer.

Q This past summer? A Yes.

Q Did you talk with her? A No.

Q Were you introduced to her? A That's all.

Q Did you have any conversation with her at all? A No, sir.

Q Was there any reason for that? A No.

Q Do you know the other Levitovs, in Washington or Arlington, Virginia? A I don't know anybody there.

Q Did your husband tell you what the context of this note was? A No. He just said it was about Morton, but he didn't tell me what it was.

Q Well, what did he say it was, about Morton - that he was all right, or not at home? A No. He just said that "there was a note about Morton, and I tore it up."

Q But he must have told you what the note was about. A No.

Q Why did he tear it up - did he tell you? A No.

Q He didn't tell you why he tore it up? A It was a piece of paper.

Q Pardon me for saying so, but you are his wife, and I assume you are familiar with the details of his life; so I imagine you would naturally be curious why he tore something up from Morton without letting you see it - - isn't that right? A Well, he didn't let me see it.

Q Well, didn't you inquire as to the reason why he tore it up? A I refuse to answer on the ground that it might incriminate me.

Q Well, he wasn't apprehensive at all, was he - your husband? A I refuse to answer on the ground that it might incriminate me.

Q Incriminate you, as to whether your husband was apprehensive or not? A (No answer.)

Q Do you want to consult with your lawyer? A Yes.

Q Then consult with him, but not with your husband. A All right.

[Witness leaves room, and returns.]

Q Now, how do you feel? A Well, I suppose you know that it was just a note in a plain envelope.

Q Yes, I know it. A It was anonymous, and it had no signature, and he was very much upset about getting a note like that, and he said he would have no truck with it, and tore it up.

Q Now, what I want to ask you about is, if, as you said, your husband wasn't on speaking terms with the Sobells, why was he so apprehensive? A Well, how does anybody feel about getting an anonymous note? He didn't know what it was.

Q Well, I can answer that, although you are supposed to answer the questions. I know what I would do

if I got an anonymous note. I would call the police, or I would call the F. B. I., or - if it was a relative of mine - no matter how much I disliked him, and if I were apprehensive, I would call his family and find out what happened to Morton - - that is the natural reaction, isn't it? A Well, that is not what we did.

Q I know that, but now I want to know what you did. You didn't do the natural thing, what comes naturally, did you? A I told you what he did; he tore up the note and told me about it.

Q But that isn't what you would naturally do, is that right? A I don't know.

Q You do know - I just told you. The natural thing that anybody would do - - after all, blood is thicker than water - - if someone is in trouble, no matter how much you dislike them, you are immediately going to communicate with their relatives and try to help out. That is the natural and normal thing to do - isn't that so? A (No answer.)

Q What is the answer? Isn't it so? A I don't know.

Q Oh, look, you do know; you know what the normal thing to do is, don't you? What is the normal thing to do when you want to go down from the fourteenth floor to the ground floor? What is the first thing you think of, if you want to get down from the fourteenth floor to the

first floor? A I don't know what that has to do with it.

Q But I am trying to develop something. Let's not be cagy. I am trying to be fair with you, and I am trying to be open and aboveboard. What is the normal thing to do? A To go out.

Q But you don't walk down first - - that is not the normal thing to do. The normal thing to do would be to take the elevator, isn't that right? A Yes.

Q And the abnormal thing to do would be to walk down the stairs. You would do that only in an emergency, isn't that right? And when you are thirsty, the normal thing is to get a glass of water; when you are thirsty, the normal thing is not to take a glass of whiskey. That is not normal, if you are thirsty.

And if your child is sick, and someone comes up to hit your child in the street, what is the normal thing to do? You try to protect that child, don't you? But an abnormal person would go up to the person that hit your child, and pat him on the back.

Now, the normal thing a person does when a relative is in trouble, is to immediately communicate and try to help out. The normal thing to do with blood relatives is to forgive and forget, when someone is in trouble. You agree with me that far, don't you? A I refuse to answer that question.

Q You don't agree with me that that is a normal

thing to do? A I have no opinion in that matter.

Q You are pretty shrewd, aren't you - - you don't want to answer anything, and you just don't want to be cooperative, because of certain things in the back of your head, which probably have nothing to do with this case. Now, do you want to tell me where you work? A I refuse to answer.

Q Do you want to talk to your lawyer on that? A Yes.

Q Then take a walk out.

[Witness leaves room, and returns.]

(CONTINUED BY BD)

F L O R E N C E P A S T E R N A K, recalled.

BY MR. LANE:

Q Now, what is the answer to it? A Well, I would still like to exercise my constitutional rights and not answer that question.

Q Now, when you went out to discuss the subjects with your lawyer the last few times did you discuss it with him alone? A My husband is sitting there.

Q Yes. I asked you to discuss it alone with your lawyer, didn't I? A I'm sorry. Should I have asked him outside?

Q Well, you know what you should have done. A I'm sorry.

Q You go out and you went into a huddle with your husband and you come back in here and give the answers. You know that isn't right. And I trusted you to that extent; I asked you to go out -- A I'm sorry. I said to him, "I have to speak to you alone."

Q Yes; and then, so what -- A My husband is sitting right there.

Q But you could have stepped out alone with him. A I'm sorry. I'll do that the next time.

JUROR: What did you ask your attorney when you went out?

THE WITNESS: I repeated the question about where I worked.

JUROR: And he said not to answer it?

THE WITNESS: No. He said that I could answer it if I wish or I could use my constitutional rights and not answer it.

Q So you refuse to answer on the grounds it will tend to incriminate you? A Yes, sir.

Q Now, do you carry your Social Security number with you? A No, sir.

Q Did you file your income tax return this year? A Yes, sir.

Q Where did you file it? A I sent it to Brooklyn. I live in Queens.

Q And in your income tax return I assume you put down the name of your employer; is that correct? A Yes, sir.

Q So that you still refuse to answer, although you know I have it within my power to obtain the address of your employer; you know that? A Yes, sir.

Q And you still decline to answer? A Yes, sir.

Q On the grounds it would tend to incriminate you? A Yes, sir.

JUROR: Is the Social Security number in your marriage name or your maiden name?

THE WITNESS: In both.

Q In both? You have two Social Security numbers? A No, no; one. It's Florence Pasternak.

Q Well, what is the name that you work under in your

present employment? A Florence Geller Pasternak.

Q Geller? You are no relation to Stanley Grayson, are you? A Who?

Q Stanley Grayson. A No.

JUROR: Isn't that funny, don't you think? We could find out where you work. Isn't that a silly answer? You have been working there for 18 years and that can't be kept a secret.

JUROR: It would make a much better impression upon the Jury if you did say, since we can find out, and cooperate.

THE FOREMAN: The Juror asked you don't you think that's a silly answer.

Q Tell me this: Did you ever go to Spain? Were you ever in Spain? A No.

Q Was your husband ever in Spain? A No.

Q Are you sure? A Positive.

Q Where was your husband in 1936 and '37?

A In New York.

Q Were you living with him at that time? A Yes, sure.

Q Did you ever give any money to Morton Sobell?

A I refuse to answer on the grounds that it might incriminate me.

Q Do you understand the question? A Yes.

Q You refuse to answer on the grounds it will tend to incriminate you, the question whether or not you gave

Morton Sobell any money? A May I see my lawyer now?

Q Yes. Your lawyer, not your husband. A Yes.

[The witness left the room, and then returned.]

Q Now, what's the answer to that? [To the reporter] Will you give me the last question?

Q [The question referred to was read by the reporter as follows: "You refuse to answer on the grounds it will tend to incriminate you, the question whether or not you gave Morton Sobell any money?"] A I would still like to stand on my constitutional grounds and not answer the question.

Q All right. Now, did you send any money to Morton Sobell after he departed from New York in June, 1950? A I refuse to answer that question on the grounds that it might incriminate me.

Q Now, remember, you have got to say -- if you didn't, you have got to say No. Now, did you send any money to Mexico, to Morton Sobell, after June of 1950? A I refuse to answer on the grounds that it might tend to incriminate me.

Q Did your husband send any money to Mexico, to Morton Sobell, in June or July of 1950? A I refuse to answer on the grounds that it might tend to incriminate me.

Q Did you send any money to Morton Sobell in Mexico in September of 1950? A I refuse to answer.

Q Now, wait just a minute. Don't try to flaunt things, because you know and I know that he wasn't in Mexico in

September, 1950. You go out and talk to your lawyer on that one; and if he gives you the wrong answer, you go down to the Court with the Jury. Now, you go out and ask him about that. I asked you a question, if you sent him any money to Mexico, to Morton Sobell, in September of 1950. Go out and ask him about that.

[The witness left the room, and then returned.]

A All right; I still stand on my constitutional rights.

Q You refuse to answer on the grounds it would tend to incriminate you? A Yes.

Q Whether you sent money to Sobell in Mexico in September, 1950. And I'm telling you that in September, 1950, Sobell was here in jail, in New York City, yet you refuse to answer that question on the grounds it would tend to incriminate you.

MR. LANE: Let me step out just one minute.

[Mr. Lane left the room, and then returned.]

Q You still rely on that, and it's as a result of a conference with your attorney that you say that you refuse to answer on the grounds it will tend to incriminate you, that question? A Yes, sir.

MR. LANE: We can adjourn this meeting right now and have the woman back at a later date. I'll give her the date. You will excuse her for now until a later date.

THE FOREMAN: You are excused until you are advised by Mr. Lane.

[WITNESS EXCUSED]