

PREPARED 1955

SUMMARY OF EVIDENCE IN TRIAL OF CARL BRADEN

Louisville, Ky.

Nov. 29---Dec. 13

1954

The Prosecution's Case

Opening Statement to Jury (By Commonwealth's Attorney A. Scott Hamilton):

Hamilton made the following points:

1. The Communist Party and "communist-front organizations" "Provide through their writings that..no other form of government can live...in the world in connection with communism" and have as their aim overthrow of the governments of the U.S. and Kentucky.
2. Carl Braden had in his possession for purposes of circulation communistic literature and literature of "communist-front" organizations, and that is against Kentucky law.
3. Carl Braden assembled with people "who advocate that sort of thing" and that is against Kentucky law.
4. Lenin and Marx refer to "front organizations" as "belts" to the people, and Carl Braden belonged to and was a director of some such organizations. One of these was the American Peace Crusade, which had as its purpose the disarming of the United States and tried to "infiltrate P.T.A.'s".
5. One of the purposes of the Communist Party is to create trouble between "the white and colored races in this country."
6. Carl Braden and his wife in March, 1954, entered into an agreement with Andrew Wade IV, Negro, and his wife to buy a house in a white residential section in Louisville and transfer it to the Wades.
7. When the Wades moved into the house, they had there "a dozen and a half, possibly" firearms.
8. When the Wades moved into the house, they associated with or had people call on them, white people, who have been charged and who we can prove were communists."
9. After the Wades moved into the house, Vernon Bown, a white man, went to them and volunteered his services to help guard the house. On May 22, Bown bought a radio at Ewald Distributing Company in Louisville--- a battery-type portable radio. He took the radio to the Wade home. After an explosion that wrecked one side of the Wade house, this radio was found suspended from a joist under the house by a wire which had been attached to the joist by a nail which had been nailed into the joist. Expert witnesses say it is possible to use batteries from such a radio to set off a charge of dynamite.
10. Among the papers found in Carl Braden's home was a letter on which was pasted a clipping telling of how a dynamite blast destroyed a store owned by a Negro in Manchester, Kentucky. Beside the clipping was a penciled notation "Request protest resolutions, etc. Call to attention of the Negro, labor, etc., organizations. I was maybe 20 miles away. Part of pattern of violence against both unions and Negroes and friends."

The Prosecution's Testimony in Chief

1. Mrs. Martha Edmiston, Waynesville, Ohio:

Mrs. Edmiston testified that she and her husband joined the Communist Party as plants for the FBI in Columbus, Ohio, in 1940. She said she had heard two party leaders in Columbus, Ohio, advocate overthrow of the government by force and violence. Said an actual revolution was planned for January 12, 1941. Said one of the things communists were taught was to incite racial trouble wherever possible. Identified six books prosecution said it took from Braden home as identical to ones she had studied as a communist. One of these, a copy of the constitution of the USSR printed in Russia, she said was "one of the prizes given to favored party members" and was not available in bookstores.

2. Andrew Wade IV (Negro):

Wade's testimony covered the following points:

- (1) Testimony about the purchase of his house on Rone Court in Shively, a suburb of Louisville:

He said he originally planned to buy a house in a Negro section but could find nothing suitable. Said he and his wife wanted a house they "approved of and not a house that people and policies told us we must buy." Said that in spring of 1954 he approached Carl Braden and his wife and asked them to buy a house and convey it to him and Bradens agreed to do so.

- (2) Testimony about events immediately after he moved into house:

Said that on the first night he spent in the house several men burned a cross on the lot next door and shouted "Nigger, get out." Said later that same night at least 10 rifle shots were fired into the house.

- (3) Testimony about the firearms that were kept in his house:

Said that there were never more than nine firearms at the house. Said they were loaned to him by friends after the first incidents of the cross-burning and rifle shots. Identified some of those lending them, all of whom were Negroes.

- (4) Testimony about the night of the bombing and the preceding day:

Said that on Saturday morning, June 26, he and his wife and child and four men who had been guarding the house left early to go into town. Said that at that time, police guard was on duty at night but had been discontinued in daytime. Said he and his friends left house unguarded that morning, as Vernon Bown who had been staying there in daytime had left the night before. (Said Bown had told him he was going to a family reunion in Wisconsin over the weekend.) Said he understood his wife, daughter, father and a friend, Mrs. Anna Harris, returned to the house about 1 p.m. Saturday, but his father left soon. Said he himself returned to house about 7:30 p.m. with two friends, Tellus Wicker and Melvin Edwards. Said he, his wife, daughter and Anna Harris left soon thereafter to take a picnic supper over to southern Indiana, leaving Edwards and Wicker at the house. Said later in the evening he and his wife took Anna Harris home and dropped off their daughter to spend the night with her grandmother so she could go to Sunday School the next morning. Said he and his wife got back to Rone Court about midnight. Said Wicker told him he had seen lights flashing in an L formation in the neighborhood a short time before (one of them from near the house of the Rones who built the house and sold it to Bradens) but he "didn't put importance on it" at the time. Said he got some drinks from the icebox and he and Wicker and his wife sat on side porch talking. Edwards was asleep on couch in living room, he said. Said explosion occurred on opposite side of house about 12:30 p.m. Identified parts of a radio produced by prosecution as being apparently remnants of Bown's radio. Also identified a section of wood with a wire attached which prosecution said was part of a floor joist from Wade home.

(5) Testimony about acquaintance with Vernon Bown:

Said Bown came to stay at his house in daytime soon after police dipped the day guard in mid-June. Said he first met Bown soon after the rifle shots were fired into his house. Could not remember who introduced them. Did not know whether he and Braden were friends or not, saw them together only at meetings of Wade Defense Committee. Said Bown was recommended to him by Wade Defense Committee. Said, in response to specific question by prosecutor, that he was colored and Bown was white. Said Bown left his home on Friday before explosion and told him he was going to Wisconsin. Said he did not see him again until two or three days after the explosion.

(6) Testimony about his own politics:

Said he was not and had never been a communist. Said he had been a member of the Progressive Party from 1946 to 1948, joined it with no idea of subversion, had no reason to suspect or criticize it. During his testimony, Hamilton read into the record parts of a transcript of questioning of Wade in Hamilton's office on November 8. At that time Wade had said he left the Progressive Party because it was turning "pinkish."

During his testimony, Wade said he had no feeling he was being used as a "tool" to exploit racial difficulties. Hamilton read into the record parts of the November 8 statement in which he had said he felt he had been used by "both groups"---those accused of being communists and his Rone Court neighbors who had tried to drive him out of his house.

(7) Testimony about his acquaintance with Bradens:

Said he had known Bradens about 8 years but had not seen them for about three years before approaching them to buy the house. Could not remember ever seeing them at Progressive Party meetings. Said Braden had never advocated revolution to him or proposed any criminal conspiracy, had never engaged in political talk with him at all. Was asked specifically by prosecution if he ever heard Carl or Anne Braden say "This is a hell of a country." Said he had heard no such statement. Denied that Bradens handled records of Wade Defense Committee but said they wrote radio scripts for the committee. Said neither of Bradens had been in vicinity of his Rone Court house for some time prior to explosion.

(8) Identification of letter circulated by Louisville branch of Women's International League for Peace and Freedom:

Identified this letter, asking good will and tolerance toward Wade family, as having been circulated in Shively area. Letter signed by Beatrice Pearson. Said he had not seen letter before it was sent out.

(9) Identification of editorial and letter in Shively Newsweek:

These documents, hostile to Wade, were read to jury. Wade said they made him apprehensive at the time they were printed and were one of the reasons why he kept firearms in the house.

3. Leroy Zimmerman, Commonwealth's Detective:

Zimmerman testified that he had carried out raids on the Braden home, in which quantities of literature and correspondence were confiscated. He identified some 70 items which were entered as exhibits---including books and letters. The warrant with which he searched the house read in part that he was to search "for seditious material, same being writings, printing, and publications teaching, advocating, and suggesting the duty, necessity, and propriety or expediency of criminal syndicalism and sedition." Zimmerman testified that in order to identify seditious material, he had used the Guide to Subversive Organizations and Publications put out by the House Committee on Un-American Activities and a list of "Organizations Designated Subversive by the Attorney General of the U.S. Pursuant to Exec. Order 10450."

4. Arthur Paul Strunk, Dayton, Ohio:

Testified that he was an FBI plant in the Communist Party in Dayton from 1944 until 1952. Said CP taught that socialism must be brought about by force and violence. Identified books prosecution said it took from Braden home as identical to those studied in Communist meetings he attended. (Braden later admitted all these books except two were taken from his home.) These included volumes of Little Lenin Library and other works by Lenin and Stalin. Identified a form letter prosecution said was taken from Braden home as one that only a Communist Party official would receive. (It purported to be a report on dues collections, dated April 14, 1950, showing 105 dues payments in Kentucky for month of March. It was addressed "Dear Comrades" and had typed instead of a signature "State Org. Department.") He identified a copy of the USSR constitution prosecution said was taken from Braden home as a book that only a trusted member of the CP would receive. Identified also invoices of book orders, some of them for multiple copies of Marxist works, as similar to those he had received. Identified bill for \$4.50 for Worker and Daily Worker allegedly found in Braden home and said all good communists were supposed to read these papers. Testified that Progressive Party was "front" for CP. Also said Negro Labor Council, Stockholm Petition, Defense Committee for 17 Victims of the Smith Act and Committee to Defend Rights of 12 Communist Leaders were all CP fronts. (Prosecution said literature from all these were found in Braden home.)

(While Strunk was testifying these incidents occurred:

During a short recess in the morning session, Robert Zollinger, chief counsel for Braden, walked near the witness stand where Strunk was sitting and heard him say to Carl Ousley, assistant Commonwealth's Attorney, "Which one is the defendant?" Ousley replied: "The man there between the two lawyers." Again Strunk asked, "Which one?" Ousley then identified Braden further by saying, "The man in the brown suit."

After lunch, Strunk was still testifying. He walked down from the witness stand to look at some of the books on exhibit and as he passed close to the defense table said quietly to Braden, "You've changed some since the last time I saw you." Braden answered, "When was that -- a couple of hours ago?" Strunk said, "No, three or four years ago." Braden then called to Zollinger and said "Bob, this man is getting ready to say he has known me in the past and I never saw him before in my life."

Zollinger then asked for a conference of prosecution and defense attorneys in the judge's chambers. He told the judge what he had overheard before lunch and what Strunk was apparently getting ready to do. Ousley then admitted that Strunk had asked him to identify the defendant for him.

The court session resumed, and there was no attempt by Strunk to say from the witness stand that he knew Braden.)

5. James W. Glatis, Jamaica Plain, Mass. (employee in Lynn GE plant):

Testified that he was an FBI plant in CP from 1949 until spring of 1954. Said he volunteered his services to avenge members of his family who were killed by communists in Greece. Said aim of CP is overthrow of U.S. government by force and violence. Said CP teaches that reformers must be used for revolutionary purposes. Also identified books taken from Braden home as identical to those he had studied in CP meetings. Said it was necessary to be a communist and attend CP meetings to find out where to get such books. Also identified so-called "dues-letter" as something only a CP official would receive. Listed as CP fronts the Civil Rights Congress, the National Council for American-Soviet Friendship, and the National Negro Labor Council. (Prosecution claimed literature from all these organizations was found in Braden home.)

6. John Edmiston, Columbus, Ohio:

Testified to many of same things his wife had---as to how they joined CP in 1940 as FBI plants, etc. Also testified to CP intention to overthrow

government. Testified at length on theory of dialectical materialism, using a glass of water to illustrate his point. Said this is the way CP members taught the theory to their children---so they would never forget it.

7. Leroy Zimmerman, Commonwealth's Detective (recalled by defense for further cross-examination):

Asked by defense attorney where he had found so-called "dues-letter" in Braden house, Zimmerman said he thought it was in a desk drawer. Asked whether he recalled seeing it during search of desk, said he "saw so many things it's hard to pick one object to remember. I do remember it came from his place." Again said he was not sure just where but thought it was the desk. Asked whether he got letter on first or second raid at Braden home, said he thought it was on the second. Asked whether he had got USSR constitution on first or second raid said he thought it was on second. Asked if he knew who had been Braden home between raids, said he did not know. (The Bradens had both been in jail four days at time of first raid, six days at time of second raid.)

8. Manning Johnson, New York (Negro):

Testified that he had been member of CP from 1930 to 1940, had served as a member of the party's national committee and National Negro Commission. Said party's plan was to establish by force and violence a "Negro state" in the South, said that in doing this all land would be taken away from white owners and given to Negroes, said this plan would mean property of white people in Kentucky would be turned over to Negroes and all state and local officers and legislators would be arrested. Said CP members were taught to "utilize any grievance that the Negro has in the South to stir up situations that provoke acts of violence." Identified books taken from Braden home as identical to those he had studied in CP training school. Also identified so-called dues-letter. Identified a picture on a Christmas card taken from Braden home as William L. Patterson and his wife. Said Patterson was a member of the national committee and National Negro Commission of CP. Prosecution read note it said was enclosed in card addressed "Dear Anne." (Note expressed thanks for the "generous contribution you have made in our struggle for freedom. Defense denied that it had any connection with Christmas card.) Johnson also identified the following organizations as CP fronts: American Peace Crusade, the National Council for American-Soviet Friendship, and the Women's International League for Peace and Freedom.

9. Leroy Zimmerman, Commonwealth's Detective (recalled by prosecution):

Prosecution recalled Zimmerman during Johnson's testimony to try to establish that the Christmas card bearing Patterson's picture and the note addressed "Dear Anne" were found together in the Braden home. Zimmerman said he found them in a folder of what he assumed was Anne Braden's personal correspondence.

10. Maurice Malkin, New York:

Testified that he was one of founders of CP in U.S. and one of its national officials up until 1937 when he was expelled. Identified as communist front organizations the following which the prosecution said Braden was connected with: Civil Rights Congress, Committee for a Democratic Far Eastern Policy, Council on African Affairs, National Lawyers Guild, American Labor Party, National Council for American-Soviet Friendship, and the Women's International League for Peace and Freedom. Said Jane Addams, founder of the WIL, cooperated with him in Chicago in 1932 and 1933 when he was organizational director of the CP there.

11. Leonard Patterson, New York (Negro):

Testified that he was a CP member from 1930 to 1937, got some of party training at the International Lenin School in Moscow. Identified literature seized at Braden home as same he had studied and taught from in Russia and New York. Said he was not a member of some of the organizations Braden allegedly belonged to but knew they were communist-fronts because of what he knew of their "predecessor groups." Identified "dues-letter," invoices from International Publishers to Bradens, and Christmas card from William Patterson, saying Patterson's wife, Louise, attended Lenin School with him.

12. Matt Cvetic, Lawrenceburg, Penn.:

Testified that he served as an FBI plant in the CP, holding various posts in leadership of party in Pennsylvania. Said American Peace Crusade was a communist front and personally he helped set up APC for CP in Pennsylvania. Said book "Theory and Practice of the Communist Party," which was found in Braden home was a book distributed to Communist functionaries only. Said CP policy toward Negroes was "to divide and conquer, to turn race against race, creed against creed." Said CP set up Progressive Party as a front. Same about Civil Rights Congress.

13. John W. Blair, treasurer of Dixie Cartage Company, Louisville:

Testified that he supervised time cards at Dixie Cartage Company where Vernon Bown, a co-defendant of Braden's charged with bombing the Wade home, was formerly employed. Said he had with him Bown's time card for June 26, the Saturday of the explosion. (Bown has said he left Louisville that day, and Wade testified at trial he told him he was leaving town.) After the defense objected that testimony regarding Bown did not concern Braden, the judge ruled that the jury hear no further testimony from Blair but allowed Commonwealth to put an avowal of this testimony into the record. When this avowal was taken out of presence of the jury, Blair found that he was mistaken and that Bown's time card showed he had worked at Dixie Cartage not on June 26 but on June 25 (Friday).

14. Benjamin Gitlow, New York:

Testified that he was instrumental in organizing the American CP in 1919, went to prison in 1920's in New York for violation of the criminal anarchy statute, later held highposts in CP, went to Russia three times, finally broke with party and was expelled in 1929. Extensive testimony about his dealings with Stalin in Moscow in 1920's. Identified Federated Press, for which Braden wrote, as communist front organization. Identified International Publishers from which Braden ordered books as publishing house of the CP.

15. A. H. Curella, Louisville real estate agent:

Testified that in winter of 1953-54, he had tried to sell Wade a house. Had showed him a house in a neighborhood where other Negroes live. Said Wade was not interested in the house because it had only one bedroom. Said Wade never mentioned to him any desire to move into a white neighborhood.

16. Captain Carlos Johns, of County Police Force:

Said he had ordered a round-the-clock guard at Wade house after the shots were fired on May 16. This was left until about June 20, when the daytime guard was terminated but the night guard continued. Said he arrived at the house 5 or 10 minutes after the explosion and talked to Mr. and Mrs. Wade and their friends, Melvin Edwards and Tallus Wicker. Said John Hitt, editor of Shively Newsweek arrived about 2:30 a.m.

17. Robert Davis, County patrolman:

Said he was on duty guarding Wade home from about 7:45 p.m. June 26 until 10:15 p.m. Testified that only opening under house through which a man could crawl was a 2x2-foot entrance near side porch.

18. William E. Blevins, County patrolman:

Testified that he relieved Davis about 10:15 p.m. June 26 and was on duty at time of explosion. Said he was seated diagonally across Bone Court from the Wade home. Said explosion occurred at 12:30. He ran to house and found there Mr. and Mrs. Wade and two other men. (Said one of men was in driveway with Wades, other was standing in doorway of house.) Said Mrs. Wade was "crying and nervous" but he "didn't notice unusual about the men." Said in a few minutes there were a number of people there, mostly police but "there were no neighbors that I know of." Asked by defense whether explosion was loud, he said "pretty loud." Asked by prosecution whether he found any evidence of an outside fuse (leading to explosion site) he said "I never done no investigating at all."

19. C. R. Graham, director of Louisville Free Public Library:

Testified that the public library had only about 10 of 52 books and periodicals taken from Braden home. Those he said they had included Constitution of the USSR, Communist Manifesto, Soviet Power, some speeches by Vishinsky, the New World Review, and the Southern Patriot, periodicals. Since Graham was not sure in all cases whether library had certain books, he was instructed by court to have someone at library check for all books on an inventory to be furnished by prosecution of books taken from Braden home. At request of defense, he was also instructed to do the same on an inventory of books in Braden library not taken in the raids.

20. Andrew Wade, Jr., father of Andrew Wade IV (Negro):

His testimony may be divided into six parts:

(1) Testimony about his own politics:

Said he was not a communist and never had been. However, said he had attended some meetings of Progressive Party in 1948.

(2) Testimony about threats his son received after moving into house on Rone Court:

Said he had asked for police protection for his son because he was being threatened. Said they got threats by telephone, from people passing in cars, and from the Rone family, "especially Mrs. Rone." Said one day when he was at Rone Court house and broken picture window was being replaced, a car rode by and a man called out "There's no need to put that window in, we're going to break it out again tonight." Said they got threats a week or two before the bombing that the house was going to be blown up.

(3) Testimony about guns in the Rone Court house:

Said there were about a dozen guns in the house---"enough to take care of themselves in case something happened." Prosecution read from his testimony before September Grand Jury where he had said there were "half-dozen pistols, half-dozen rifles and three or four shotguns." Wade said he did not remember making specific mention of the number of guns. Said two of the rifles were his.

(4) Testimony about Bradens and purchase of house:

Said he had known Bradens about 10 years, visited them occasionally, did not remember how many times he had seen them in past 12 months. Said that when his son was looking for someone to buy a house for him he and son "talked it over about the purchase of the property and knew the Bradens and we decided we could ask them to do it." Asked by defense whether there was any discussion of fact that purchase was done to set up racial tensions, he said "None at all." Could not remember whether he had ever seen Braden at Progressive Party meetings but said he might have. Said he had never heard Braden say anything seditious or advocate overthrow of government.

(5) Testimony about Vernon Bown:

Asked whether he knew whether Braden and Bown were acquainted, said he did not know. Said he saw them both at meetings of the Wade Defense Committee but had no reason to think they were friends previously.

(6) Testimony about house after bombing:

Identified a piece of wood with a wire attached as coming from his son's house. Also identified a section of battery as "similar" to one found under the Wade house. When prosecution showed him a radio handle and asked him if it was found under the house, he said: "I'm not too sure it was attached to the joist or not. It's been some time. I don't remember too well."

21. Kenneth S. Bixby, Louisville radio instructor:

Testified that he had used a battery similar to the one found under Wade home after explosion to detonate dynamite caps. Illustrated by a black-board drawing how a charge could be set off using a battery of that kind. Said a string attached to the battery could be pulled to break the electrical circuit and detonate the explosion. Under cross-examination, he said such a battery would go dead within half an hour after it was rigged with the explosive charge.

22. Andrew Wade IV (recalled by prosecution):

Testified that Braden had once given him some clippings from the Daily Worker and had told him the DW would give the "Rene Court incident nationwide publicity." Under cross-examination, said that Braden had never advocated revolution to him or the stirring up of racial feeling. Said he and Braden were working toward a common goal, "to bring peace to Rene Court."

(On the same day as the preceding testimony, the jury was taken to the Wade house on Rene Court to inspect it.)

Additional Documentary Evidence:

At the close of its case in chief, the prosecution read to the jury a number of letters and printed leaflets, which it said were taken from the Braden home. These included:

1. A letter about Progressive Party affairs signed by Braden.
2. A three-letter exchange with W. H. Westman, secretary-treasurer of the Industrial Workers of the World in Chicago. The first letter, signed in ink "Carl" suggested to Westman that the IWW try to organize workers at the Mengel Company in Louisville. The second was a reply from Westman saying he was sending membership applications and literature to Braden. The third, an unsigned carbon dated March 1, 1949, acknowledged receipt of the membership applications and literature and closed with the words "Yours for the abolition of capitalism."
3. A copy of a letter dated July 21, 1954, from Braden to Richard Durham, national program coordinator of the United Packinghouse Workers, asking if the UPWA and the AFL Meatcutters might finance insurance of the Wade home or take over the mortgage.
4. An undated letter addressed to "Dear Anne" and signed "B", in which the correspondent told of working on a campaign for the "25 UnA contempt cases: the Hollywood Ten, the Joint Anti-Fascist Refugee Committee, a couple of individuals and Dennis." Correspondent referred to the late Chief Justice Fred Vinson, saying "We are trying and trying to figure out some way to put pressure on Vinson. What do you know about his political ties in Kentucky?"
5. An unsigned letter beginning "Dear Barbara" and dated March 17, 1949, containing these statements, among others: "There is no reason why Carl ought not to be considered as working class...Certainly 20 years of journalism doesn't make one middle class. It ought to have the opposite effect...we figure the revolution to take place about 1974 and for things to be pretty well straightened out by 2001." The letter, which referred to both Carl and Anne throughout closed with the words "Viva la revolution."
6. Three letters addressed "Dear Carl and Anne" and signed "Al." One dated May 19, 1954, said in part: "Your latest project left us breathless and we will be holding our breath until the shrapnel stops falling. To tackle the real estate trust is a tremendous thing. The craven and wholly despicable CJ editorial attacking you two is more indicative of Your Friendly Homebuilders true power than was the gang of goons."

7. A letter dated May 2 (no year) to "Dear Carl" and signed "Yours, G", asking Braden about taking a trip through the Great Smoky Mountains. Contained this passage: "I have been unable to find any hot news for Elmer. If you can get anything from Louisville it would be useful. How about: the plight of those who must move to make room for the new Central High School, the closing of Municipal College, or unemployment? Of course news about people demanding an end of Cold War, etc., rates top priority----if such news exists. It looks like I will have to make some news to have any."
8. A printed leaflet carrying a reprint of an editorial headed "Negro Newspaper Says: 'Birmingham Outlaws Reds---Means Blacks!'" The editorial was identified as coming from the St. Louis American and referred to Birmingham as a "full-fledged fascist city." At the bottom of the leaflet were these phrases: "Defend the rights of Communists. Defend the rights of the Negro people."
9. A reprint of an article from the Comet newspaper, published in Allentown, Penn.,----this being an account of a report by an International Women's Commission on atrocities by American troops in Korea. The article went into gory details on the alleged atrocities.

Defense Testimony in Chief

1. Mrs. Marjorie Matson, Pittsburgh:

Testified that she was a member of the national board of the Women's International League for Peace and Freedom. Testimony was chiefly a defense of the League. Said it was not and has never been a communist or communist front organization. Said it sought solution of world problems by peaceful, non-violent means.

2. Carl Braden

Braden's testimony may be divided into eight parts:

- (1) Specific denial of the accusations against him as listed in the sedition indictment:

As defense counsel read from the indictment, Braden answered "no" to the following questions: 1. Did you ever "knowingly and feloniously... advocate or suggest the duty, necessity, propriety or expediency of physical violence, intimidation, terrorism, or other unlawful acts or methods to accomplish a political end or to bring about political revolution? 2. Did you ever "advocate or suggest by word, act, or writing, public discord or resistance to, or the change or modification of the Government, Constitution, or laws of the United States or the Commonwealth of Kentucky, by force, violence or other unlawful means?" 3. Did you ever "knowingly circulate, sell or distribute, or have in (your) possession for the purpose of publication or circulation, written or printed matter, advocating, suggesting or teaching criminal syndicalism or sedition, or the change or modification of the Government of the United States and the Commonwealth of Kentucky by force and violence, or other unlawful means?" 4. Did you ever "become a member of a society or assemblage, or...assemble with persons teaching, advocating or suggesting the doctrine of criminal syndicalism or sedition, or the change or modification of the government of the United States or the Commonwealth of Kentucky by force or violence or other unlawful means?"

- (2) Testimony as to his background:

Testified that he was born in New Albany, Indiana, and moved to Louisville when he was 6 weeks old, grew up in Louisville and had lived in Louisville most of his life except for about eight years when he lived in Covington, Ky., and worked in Cincinnati. Said his family had lived in Kentucky for five generations. Said he had a foster daughter, 16, a son, 3, and

a daughter, almost 2. Said he went to school in Louisville and later at St. Francis Proseminary in Indiana, leaving school when he was 16 to go into newspaper work. Said he had worked on newspapers for 24 years, including the old Louisville Herald-Post, Harlan, Ky., Enterprise, the Cincinnati Enquirer, the Louisville Times and Courier-Journal and had been correspondent for a number of papers in other cities. At time of his indictment was copy-reader for Courier-Journal. Had formerly been labor reporter for Cincinnati Enquirer and Louisville Times. Had at one time handled public relations for a group of CIO unions and had done writing and editing for a number of CIO, AFL, and independent unions, and for the Kentucky Labor News, official organ of the AFL in Kentucky. Said his church affiliation was St. Stephen's Episcopal Church, Louisville. Said his father had been active in steel, railroad and automobile workers unions "so I sort of grew up a labor-union man." Said he was a member of the CIO American Newspaper Guild and had formerly been a member of the United Office and Professional Workers Union (CIO). Said he had been active for many years in movements against segregation and for rights of Negro people. Said that since he was in first grade he had read everything he could get his hands on and in recent years had concentrated his reading especially on labor, social affairs and history.

(3) Testimony as to his politics:

Testified that he was not and had never been a member of the Communist Party. In reply to specific questions under cross-examination, said he had never recruited anyone into the CP, never asked anyone to join CP, had never attended a CP meeting at his present or former homes, that there had never been to his knowledge a CP meeting at his present or former homes, had never collected dues for the CP, had never distributed books like those introduced in evidence to any member of the CP, and that he did not know it of his own knowledge if any of his personal associates were CP members.

Testified that he was very much interested in socialism and had collected many books on the subject. Said he often discussed communism and socialism with people who asked him for information on those subjects and often loaned people books on these and other subjects when they asked for them. Said that when he loaned them Marxist books, he cautioned them that they were "special pleading" and "written from a particular point of view."

In reply to a specific question by the prosecution, he denied that he had ever made the statement to his foster daughter that the Government should own all the property in the U.S. He said he often did say that where a particular enterprise no longer meets the needs of the people the government should step in and provide that service---as they did in electrical power with TVA.

(4) Denial that 4 key items introduced by prosecution came from his house:

Testified that until they were introduced in evidence he never saw before three items the prosecution claimed were found in his house. They were: the "dues-letter", the copy of the USSR constitution printed in Russia, and a book called "Strategy and Tactics" published by International Publishers.

Of a fourth item, minutes of the American Peace Crusade for 1951 bearing his signature, he said he had turned them over to another officer of the organization in 1951 and had not seen them again until they were introduced in evidence.

(5) Testimony about his library:

Identified some 150 books and pamphlets introduced by the prosecution as having come from his library. He described most of them individually, telling from what viewpoint they were written---saying that some were objective studies, others "special pleading"---written from a "particular point of view." Said International Publishers, which published a number of the books, was not so far as he knew a subversive publisher. He said:

"All of the material that I had in my private office was for the purpose of reference, research, and study, as a man engaged in writing about and studying the labor movement,"

He then identified several box-loads of books, which the prosecution had taken in raids on his house but had not introduced in evidence. Many of these were related to history and economics.

He then introduced into evidence the remainder of his library---including both books, pamphlets and periodicals---which had not been taken in the raids. This included hundreds of books---poetry, novels, history, philosophy, psychology, government publications, trade union publications, material issued by the British Information Service, various church publications, and other periodicals.

(6) Testimony on specific organizations he was accused of belonging to:

Said he was a member of the Progressive Party in 1947 and 1948 and was again active in it in 1950, 1951, and 1952. Said to his knowledge, this was not a front for the Communist Party.

Said he was secretary of the Louisville branch of the American Peace Crusade for a short time in 1951 but did not remain active long because he did not have time to attend many meetings, as he worked at night. Said to his knowledge this was not a communist-front organization. Introduced a statement of its principles and policies advocating settlement of international tensions by negotiation. In response to questions by prosecution, said he was not sure whether the Peace Crusade advocated trade with Red China, opposed the rearming of Germany and opposed Universal Military Training. Denied prosecution assertion that purpose of organization was to disarm America.

Said he had contributed money to the National Council of American-Soviet Friendship. Quoted a statement by Eisenhower in 1945 endorsing the Council's work. Asked whether he knew that in 1944 a congressional committee had named the Council as subversive, he said "If I did, it didn't prove anything to me." Said he believed in giving people and organizations a fair trial before finding them guilty of anything.

Said he had contributed money to the Civil Rights Congress, the Political Prisoners Relief Committee, and the Self-Defense Committee of the 17 because these organizations were working for fair trials for people accused of various things. Said he did not know the organizations to be Communist fronts.

Said he was a member of the Negro Labor Council but was not a member of the Industrial Workers of the World or any of the other organizations listed by the prosecution as ones he belonged to.

Said he had asked 50 or 60 people to sign the Stockholm Petition in 1950.

Said he was an accredited correspondent for Federated Press, which he identified as a labor news service started in 1919, but not for the Daily Worker, although he said the Daily Worker sometimes used his stories from the Federated Press, as they subscribed to FP service just as they subscribed to United Press service.

(7) Testimony on specific letters and other items allegedly seized in his home:

Identified a carbon of a story he had written for Federated Press in 1949 saying there was a severe unemployment situation in Louisville. The prosecution introduced this after asking him if he ever sent FP any stories that "manifested a rosy, optimistic picture of the labor movement." Braden said he thought the facts showed there was severe unemployment in Louisville in 1949.

Identified, when it was produced by the prosecution, a carbon of a letter to George Seldes in 1950, taking issue with Seldes' statement that the North Koreans were the aggressors in Korea. Letter referred at one point to "the pattern of Wall Street aggression." Braden testified that it had still not been established who was the aggressor in Korea.

Identified material, when produced by prosecution, on McCarran Act taken from his house and admitted, when questioned by prosecution, that he had written to his congressmen and senators opposing passage of this law.

Identified a carbon of a letter he had written to Anna Louise Strong in 1949 after reading her "inspiring book---Tomorrow's China." The letter pointed out that the area around Yenan, the capital of Communist China in 1949, was the birthplace of many of China's ancient religions. It referred to communism as "the new faith that is sweeping China." Braden testified that it "is historically proven that communism is somewhat of a new faith to people in that part of the world."

Identified several invoices from International Publishers found in his house. A few of these showed that multiple copies of some books had been ordered. These included six copies of Foundations of Leninism, six copies of Lenin on the Women Question, and five copies of the Communist Manifesto. Braden pointed out that four copies of Foundations of Leninism were still in his library when his house was raided and several copies of the Communist Manifesto, indicating that only about four or five of the multiple copies ordered were missing. He said he ordered extra copies of pamphlets because so many people borrowed books from him and did not return them.

Identified his correspondence with the Industrial Workers of the World on the Mengel plant but said he did not remember why he signed one letter, "Yours for the abolition of capitalism." Said he supposed it was in jest.

Said he did not recall who the letter signed "B" about Justice Vinson was from and had no recollection at all of the unsigned letter addressed Dear Barbara. Said he had no recollection of the letter addressed Dear Carl and signed "G" and was not sure when it was written or who it was from. Said the letters signed "AL" were from Alfred Maund, a professor at a college in Alabama. Said the reprint of the Comet article on Korean War atrocities came to him through the mail unsolicited and he did not recall ever reading it.

(8) Testimony regarding purchase of Wade house:

Testified that Wade came to him and his wife in spring of 1954 and told them he was unable to buy a house for himself and asked them to help him get one. Said they had agreed to do so and had not told anyone they were buying it for themselves. Said he had known Wade several years but had not seen him for about two years before he came to ask about the house.

3. Grover Sales, Louisville attorney:

Testified that in 1946, he had organized the Louisville Labor-Management Committee and served as its head for several years. Committee was composed of representatives of management, labor, and the public---purpose was to settle labor-management disputes peacefully. Said Braden, then labor reporter for the Louisville Times, had assisted in organization of committee and served as its unofficial press agent. Said on 3 occasions, Braden had played a big part in averting or settling major strikes in Louisville. The first, a few days after the formation of the LMC, was when city garbage tippers were on strike---Braden heard mayor was planning to call out Workhouse prisoners to break strike---took this information to Sales and together they warned mayor this might mean bloodshed and persuaded mayor to give LMC 24 hours to try to settle strike. It was settled the next day. Testified that later the AFL was threatening a city-wide general strike to force recognition of the Policemen's Association. Sales got Braden to go with him to a number of labor leaders and help him persuade them not to go through with general strike---it was averted. On a third occasion, Sales testified, Braden helped avert a strike of city bus drivers by getting labor and management together at the last minute when he (Sales) had been unable to.

Sales also testified that during his acquaintance with Braden had never heard him advocate anything seditious.

Under cross-examination, testified that he had been offered \$3000 to represent Mrs. Braden by her parents but had declined because of his health.

4. Philip Foisie, Courier-Journal copy-reader:

Testified that he worked with Braden at Courier-Journal, had never known him to slant a story or headline in any way, and in fact had known him to change stories to conform to facts in a way that was inconsistent with Communist line, had never heard him advocate anything seditious. Said he had borrowed two books from Braden, both of them anti-communist---"Malaya, Communist or Free" and "The Loyalty of Free Men."

5. Henry Goodman, Courier-Journal copy-reader:

Testified that he worked with Braden at Courier-Journal, had never known him to slant any stories or to advocate sedition.

Also testified that he had bought on the open market in a bookstore near the University of Chicago campus a USSR constitution printed in Russia like the one identified by the expert witnesses as being given only to favored CP members. Said he paid 10 or 15 cents for it. Said he had never been a communist.

6. John Bennett, professor at Indiana University extension, Jeffersonville, Ind.

Produced in court a copy of the USSR constitution printed in Russia identical to one introduced by prosecution. Said he bought it in Boston bookstores in 1941 out of a barrel containing countless copies. Said he had never been a communist.

Also testified that he knew Braden and had never heard him advocate sedition or overthrow of government.

Testified on cross-examination that a progressive bookshop might be a bookshop where Communist literature was sold. This was after prosecution attempted to introduce letters written by Anne Braden concerning a "progressive bookshop" being set up by Louisville Progressive Party in 1951.

7. Dr. Louis Kesselman, chairman of political science department, University of Louisville;

Testified that he bought a copy of the USSR constitution printed in Russia in a bookstore opposite Ohio State University campus in Columbus, Ohio, in 1941 or 1942. Said he paid 10 cents for it. Said he had never been communist.

8. Schuyler C. Witten, former president of Louisville Ford local of United Automobile Workers (CIO):

Said he had known Braden in his labor activities and had worked with him on a political action committee. Said he had never heard him advocate sedition. On cross-examination, said he had not seen Braden much since 1949.

9. Mrs. Ellen M. Kaleher, Louisville:

Said she was a neighbor of Braden's mother, had known Braden since childhood, and had seen him and talked to him in recent years when he visited his mother. Said she had never known him to advocate sedition or overthrow of government.

10. Mrs. Sally Luton, Louisville:

Said that she lived next door to Bradens for past year and a half, visited them often and knew them well. Said she had never heard Braden advocate sedition or overthrow of government.

11. C. R. Graham, director of Louisville Free Public Library:

Testified that books from International Publishers and New Century Publishers are available for purchase to general public through normal channels. Quoted from two standard library reference books, the Publishers Trade List Annual and the Cumulative Book Index 1949-52, citing titles of books introduced as evidence against Braden. These included books from Little Lenin Library and other works by Stalin, William Z. Foster, etc. Said listing

of books in Publishers Trade List annual is essentially an advertisement by publishers of books they want to sell. Also quoted from Editor & Publisher International Yearbook that Federated Press is listed as news agency along with Associated Press and United Press.

12. John Briney, Courier-Journal reporter

Testified that "to the best of my recollection" a copy of the USSR constitution printed in Russia had been identified to him on October 8 as coming from a raid on the home of I.O. Ford, one of Braden's co-defendants. Quoted from a story he wrote for CJ at that time, referring to the volume as having come from Ford's home.

(Briney's testimony had been heard several days previously out of presence of the jury. At that time, judge refused to impound the material taken from the Ford home but authorized a search of the material to see if a copy of the constitution was there. It was not.)

13. William Stucky, Courier-Journal reporter:

Read from a story he wrote for Courier-Journal in September 25 issue, mentioning that minutes of American Peace Crusade, signed by Braden, had been found in raid on Ford's home. (This was 10 days before first raid on Braden home.)

Said he had not seen the minutes that he recalled but had been told they were there.

Also identified picture of material taken from Ford home on that raid. At request of defense, pointed out in picture copy of book "Strategy and Tactics," which prosecution had introduced as having come from Braden home but which Braden denied having in his house.

14. Larrye Deboar, newswriter for WLS radio and television stations, Louisville:

Testified that immediately after the first testimony of expert witnesses that the USSR constitution and dues-letter could only be in possession of communist leaders, he had asked Braden if these had come from his house. Said Braden told him he had never seen them before.

15. Mrs. Lillian Elder, Louisville:

Testified that she had been a member of the Progressive Party in Louisville from 1948 to 1952, serving on executive committee of local organizations and also on national committee. Said she was a member of local executive committee when attempts were made to set up a Progressive Bookshop in Louisville. Said it was called Progressive Bookshop because it was run by Progressive Party. Said it never sold or offered for sale any literature advocating overthrow of government. On cross-examination, prosecution introduced and read several letters written by Anne Braden concerning setting up of bookshop. They were inquiries to International Publishers, and New Century about getting books for the bookshop. Prosecution on cross, also read press release put out by PP in 1952 protesting setting up of concentration camps in U.S. under McCarran Act. (Other letters from Anne Braden concerning bookshop, which were read, were to New World Review and Arthur Kahn and George Marion, writers.)

Mrs. Elder also testified that she had known Bradens three or four years and had never heard them advocate violent overthrow of government. Said she was not communist and never had been.

16. Mrs. Edna Hammons, Louisville.

Testified that she was next-door neighbor of Bradens and often baby-sat for them. Said Braden had never urged her to read any books and she had never heard him advocate sedition or overthrow of government. Said only books she read at Braden house while baby-sitting were poetry and the Kinsey report.

17. Samuel E. Hyman, Louisville advertising and public-relations man:

Said he had known Braden since mid-1940's and had worked with him on proof-reading and make-up of Kentucky Labor News, AFL organ, which Hyman edited for several years. Said he had never heard Braden advocate sedition or overthrow of government.

18. Dr. Ernest C. Hassold, head of English department, University of Louisville:

Testified that Communist Manifesto is widely read on college campuses and as optional reading in college courses. Said he had asked a class the day before how many students had read it and 7 had. Said that in teaching it, an instructor would normally tell students how conditions had changed since it was written in 1848.

19. The Rev. Irwin McKinney, rector of St. Stephen's Episcopal Church, Louisville:

Testified that Braden was a member of his church and was average in attendance.

Prosecution Testimony in Rebuttal

1. Alberta Ahoarn, Louisville:

Testified that she had been an FBI plant in the Communist Party in Louisville since 1951 and that she was recruited into the CP by Carl and Anne Braden and had attended numerous cell meetings with both of them, bought literature from them and paid dues to them.

Her testimony can be divided into 7 parts:

- (1) Testimony in detail about six CP meetings she said she attended at Braden home during 1954, at which the members of her "cell" were Braden, I.O. Ford, and herself (with Anne Braden sometimes present part of the time). She testified about them in reverse order as to dates, as follows:

July 9, 1954: Said "We discussed the Louisville Peace Crusade and briefly we talked about peace---peace on Russian terms...the necessity of abolishing the atom bomb...to promote peace in the United States and things of that sort." Said it was suggested that new members for the Louisville Peace Crusade be recruited at the Louisville General Electric plant. Said that the pamphlet, "American Way to Jobs Peace and Democracy" was used in the discussion.

June 3, 1954: Said at that meeting, at request of Braden, she contributed \$5 to national Communist Party fund drive. Said Braden sold her April and May issues of Political Affairs (identified during trial by expert witnesses as communist magazine). Said at this meeting "one of the members" made the remark that "the United States should be kept at peace so they wouldn't blow the world up before the revolution."

May 13, 1954: Said at this meeting she brought up the subject of what records were kept on dues collections and "Mr. Braden said that Mrs. Braden didn't keep records anymore but that they were kept in her head." Said there was discussion of a leaflet put out by Louisville Peace Crusade entitled "China Trade Would Mean Two Million Jobs." Said principles and beliefs of communism were discussed.

April 22, 1954: Said at this meeting Braden gave her a pamphlet entitled "Women's Committee for Equal Justice," which he said had been sent him by William Patterson. Said at this meeting one of the things Braden said was "When a country falls, two things happen: the government fails to provide for the people and then the workers rise up against it."

January 21, 1954: Said the reorganization of the Louisville Peace Crusade was discussed at this meeting. Said Braden said party business should not be carried on by telephone. Said Braden gave Ford money to order 10 extra copies of the Daily Worker and one subscription to Political Affairs.

January 8, 1954: Said that at this meeting she arrived at Braden home to attend a CP meeting of a cell including I.O. Ford, Anne Braden and herself. Said when she arrived she was told there was to be a change in the cells and in the future she would meet with Ford and Mr. Braden instead of Mrs. Braden. Said Braden said the policy was to have political discussion first and business after and that each meeting would last about 2 hours. Said that one meeting, perhaps this one, Braden asked her if her family knew she was a CP member and she said no and there was discussion of that. Said there was general discussion of theory of communism and Marxism. Said she suggested inviting other people like herself who did not know much about Marxism to meet with cell. Said Braden opposed this because "there was too much danger of people being followed" and of "stoolpigeons." Said Braden made the comment at this meeting that 1953 "was the year for the capitalists but that 1954 was the year for the communists to go forward."

(2) Testimony about circumstances of her joining Communist Party:

Said she joined Communist Party in January, 1951, at home of Bradens, 1551 W. Ormsby, Louisville. On cross-examination, said she received no credentials but was told by Bradens she was a member. Said she soon began paying dues of 10 cents a month and these were later increased to 35 cents a month. Said she received no receipt for dues.

(3) Testimony as to membership of various "cells" to which she said she belonged:

Said she first belonged to a cell composed of herself, Anne Braden and Mrs. Beatrice Pearson. (An employee of City-County Health Department, her name had previously been mentioned in testimony as signer of good-will letter sent by WIL to Shively residents.) Said this cell, which lasted about a year, usually met at Braden home but on a few occasions met at home of Mrs. Pearson. Said later she was changed to cell composed of herself, I.O. Ford, Mrs. Braden and that later Chester Higgins joined this cell. (Higgins, a Negro, was formerly identified with Progressive Party and Negro Labor Council in Louisville but has since moved to Detroit.) Said this was the set-up until the January 8 meeting when she went into a cell composed of herself, I.O. Ford, and Mr. Braden.

(4) Testimony regarding books given or sold her by Braden:

Listed numerous Marxist books which she said she bought or was given by Mr. and Mrs. Braden. Identified them as identical to some of the books introduced by prosecution as evidence against Braden. Said not all the books were discussed in her "cell" meetings but she bought them. Testified on cross that the books did not refer to overthrow of Kentucky or U.S. governments but said they spoke of "world revolution which would include the United States."

(5) Testimony as to the circumstances under which she first went to FBI, her salary from them, etc.:

Said that she first went to FBI in 1948 during a strike at International Harvester Company in Louisville, because she had heard a number of the strikers "had blackjacks in their cars" and was "afraid someone was going to get hurt." Said she soon joined the Women's Auxiliary of the Harvester union, as she was a friend of someone who worked in the plant, during this time continuing her contact with the FBI. It was while she was active in the Women's Auxiliary of the union that she met the Bradens, she said. Later, she testified, she joined the Progressive Party and peace organizations. Said all this time she reported to FBI but was not put on their payroll until she informed them in January, 1951, that she had become a member of a communist cell. Said then she

was put on payroll at \$50 a month. Said this salary gradually increased to \$125 a month at time she testified (plus expenses for books and contributions.) Said prior to employment by FBI her income had been about \$50 a month as a seamstress.

(6) Testimony about Communist organization in Kentucky:

Said Bradens told her Louisville Communist Party was a part of the Communist Party of Kentucky. Said they told her state organizer for CP was Giles Cooper of Lexington and that he sometimes came to Braden home during a meeting and that she believed contributions she gave to Braden were passed on to Cooper. Said Braden told her a mimeograph machine formerly used by Progressive Party of Louisville really belonged to Communist Party.

(7) Testimony that Braden asked her to leave the state after his trial started:

She said Braden had asked her to leave the state because he "thought I might be called as a witness." Said if she did have to testify Braden had told her she could answer "no" to the "#64 question" because "it wouldn't be found out."

(During cross-examination of Mrs. Ahearn, defense subpoenaed a county police officer who arrested Mrs. Ahearn in 1952. When it was learned that this subpoena had been issued, the prosecution asked for a conference of attorneys for both sides with judge and objected to introduction of his testimony. Judge sustained this, saying such testimony would be incompetent but allowed defense to make an avowal in the record. This avowal stated that if the officer had been allowed to testify he would have testified that he and another officer, now deceased, came upon Alberta Ahearn and Chester Higgins in the act of sexual intercourse in a car parked on River Road near Louisville about midnight, that they had to forcibly remove Higgins from Mrs. Ahearn, and that they arrested them both and took them to police headquarters. Further that Mrs. Ahearn actively intervened to secure Higgins' release on bond, that she was charged with prostitution, breach of peace, and vagrancy. That vagrancy and prostitution charges were later filed away and she was given a \$100 fine on the breach of peace charge.)

Defense Testimony in Re-rebuttal

1. Edward L. Boyle, special agent in charge of FBI in Kentucky:

Testified that Mrs. Ahearn had worked in a confidential capacity for FBI since 1951.

When defense asked that her original reports to FBI be entered in evidence, U.S. District Attorney J. Leonard Walker objected and judge sustained the objection. Walker maintained that such records concerned the internal security of the U.S. and could be introduced only with specific permission of U.S. attorney-general. On same grounds, judge sustained an objection to Boyle testifying to anything about methods by which Mrs. Ahearn reported to FBI or to when and how and why Mrs. Ahearn's FBI pay was increased.

2. Carl Braden

Braden denied all of Mrs. Ahearn's testimony, said again he had never been member of the Communist Party, said he had not recruited Mrs. Ahearn into CP, had never met with her in a CP meeting, etc. Said she and I.O. Ford often came to his house on visits. Said Mrs. Ahearn was a frequent visitor in his home and a personal friend of Anne Braden's especially. Said on her visits matters pertaining to Louisville Peace Crusade were often discussed,

also in past to Progressive Party and Militant Church Movement (which he described as an organization fighting segregation) and it was hard for him to distinguish what were business calls and which were social. Said he had met Mrs. Ahearn in 1949 when she was a member of the Women's Auxiliary of the Harvester Workers union and he was employed by that union. Said she often borrowed books from the library sponsored by that union---mostly books on labor. Said she asked for books on communism but he told her the union did not circulate books of this kind. Said that after he left the employment of this union, Mrs. Ahearn often came to his house---sometimes as often as two or three times a week---usually asked to borrow books, which he usually loaned her. When she failed to return a number of such books, said he quit lending them to her. Said he worked with Mrs. Ahearn in the Progressive Party, the Militant Church Movement, Louisville Peace Crusade and other organizations. Said he had never attended a meeting with her when he collected any money from her that he recalled but thought that on one or more occasions, Mrs. Braden might have given her money to help with work of Louisville Peace Crusade. Denied that he had ever given money to Ford to order copies of the Daily Worker but said he had given Ford money to pay his rent on his postoffice box "when he was broke." Said he had never told her Giles Cooper was Kentucky organizer for the CP. Said he knew Cooper but did not know whether he was a member of the CP or not. In response to questions about Mrs. Ahearn's statement that he had asked her to leave the state during the trial, Braden said: "Before and during the investigation, Mrs. Ahearn expressed concern several times over the fact that she might be called before the Grand Jury or as a witness. She asked me and I said 'Well, if you are afraid, just stay away from the courtroom!... I was thinking of her protection---many people had fear---I thought maybe I could protect her.'"