

1 perhaps to wait until after this part is over. But I do give
2 those to the Court.

3 THE COURT: I think so.

4 MR. BOYLE: Do you have a copy of the cases for us?

5 THE COURT: Why don't you --

6 MR. DOUGLASS: I've given copies to the defense.

7 MR. BOYLE: Thank you.

8 THE COURT: Mr. Zinn, I've decided that a voir dire
9 hearing will be held to determine whether you will testify
10 before the jury. That's why the jury's not in. And we'll
11 administer the oath and get under way.

12 Who's going to inquire?

13 MR. NEWMAN: I will, Judge.

14 THE COURT: Mr. Newman.

15 MR. NEWMAN: I'm trying to get some copies of the

16 --

17 THE COURT: Oh, I understand.

18 HOWARD ZINN, Sworn

19 VOIR DIRE EXAMINATION

20 (BY MR. NEWMAN:)

21 Q. Would you state your full name, please?

22 A. Howard Zinn.

23 Q. And your address?

24 A. 29 Fern Street, Auburndale, Massachusetts.

25 Q. And would you tell us, please, what your occupation is?

1 A. I'm a writer, professor emeritus at Boston University.

2 Q. And would you tell us, please, what your field is and
3 your background?

4 A. Well, my field is history and political science,
5 political theory, history of social movements. You asked
6 about my background?

7 Q. Please.

8 A. And, ah, you're talking about my educational background?

9 Q. Yes.

10 A. I did my undergraduate work at New York University and my
11 graduate work at Columbia University. I got my M.A. and
12 Ph.D. at Columbia University. I did post-doctoral work at
13 Harvard University. I taught for seven years, chairman of
14 the history department at Spellman College in Atlanta,
15 Georgia. And then became professor of political science at
16 Boston University where I was from 1964 until last year.

17 And I've written various books and articles on
18 history, history of social movements, on philosophy of civil
19 disobedience, and generally on American history.

20 Q. In addition to your association in Boston you've been a
21 visiting professor at various institutions?

22 A. I've been a visiting professor three times at the
23 University of Paris. I've lectured at other universities
24 abroad, but I was a visiting professor in Paris, yeah.

25 Q. Have you been the recipient of various prizes and awards?

1 A. Yes. Several. My, my, my first book, "LaGuardia in
2 Congress," was a winner of the Albert Beveridge Prize of the
3 American Historical Association. And I received grants from
4 the Ford Foundation and the Eleanor Roosevelt Foundation and
5 the American Philosophical Association.

6 Q. And you mentioned that you have published books. Would
7 you tell us, approximately, how many books you have written
8 or edited and published?

9 A. Ten or eleven books depending on how you count them.

10 Q. And those are in the fields you've described to us so far?

11 A. Yes. History, political science, political theory.

12 Q. And in addition to the books you've written have you
13 written a variety of essays that have been included in books?

14 A. Yes.

15 Q. And would you tell us approximately how many?

16 A. Oh, I don't know, about, maybe about 30 essays in books
17 and about 50 or 70 or 80 articles in journals and magazines.

18 Q. And over what period of time have those articles been
19 published?

20 A. Oh, roughly from, I guess, 1959 to the present.

21 Q. And in addition to those writings have you also written
22 and published a number of book reviews?

23 A. Yes. Yes.

24 Q. And would you tell us approximately how many book reviews
25 you have written and been published?

1 A. Well, maybe 15 or 20, 25.

2 Q. And have any of your works been translated abroad?

3 MR. DOUGLASS: Objection, your Honor.

4 THE COURT: Sustained.

5 Q. With regard to the works which you have written and
6 published, have any of them dealt with political subjects?

7 A. Well, they've all dealt with, they've all dealt with
8 political subjects of one sort or another.

9 I don't know if you want me to be more specific, but
10 the, my, well, my first book, "LaGuardia in Congress," dealt
11 with the very orthodox politics of a congressman in the
12 1920's and early 1930's when LaGuardia was serving in
13 Congress.

14 I then wrote two books about the South and about the
15 race question dealing with the civil rights movement and
16 dealing with the question of race. The book called "SNCC;
17 The new Abolitionists" about one of the civil rights
18 organizations of young people in the South, although "The
19 Southern Mystique" dealt with problems of race in the South.

20 I wrote a book called "New Deal Thought" which was a
21 book about the political ideas surrounding the New Deal, the
22 political thought of not only the New Dealers but of various
23 currents and movements surrounding the New Deal.

24 Wrote a book --

25 MR. DOUGLASS: Objection, your Honor. To the extent

1 that this is to establish the witness's credentials, the
2 United States doesn't dispute he's an eminently qualified
3 professor.

4 THE COURT: Well, qualified on what? What don't you
5 dispute?

6 MR. DOUGLASS: I don't dispute his qualifications as
7 a professor.

8 THE COURT: I'm not, and I say this respectfully
9 both to the witness and to you, I don't know what that means.
10 It seems undisputed he was for many years a professor at
11 major institution, he taught college level courses. That's
12 undisputed.

13 MR. DOUGLASS: Yes. And that he has published many
14 books in his field. He's well versed in his field.

15 THE COURT: Which -- let's be clear. What field is
16 that, sir?

17 THE WITNESS: American history, history of social
18 movements, political theory, political science.

19 THE COURT: You're satisfied with that, Mr. Douglass?

20 MR. DOUGLASS: Yes. Not as to its relevance to this
21 proceedings but as to that field.

22 THE COURT: He's qualified --

23 MR. DOUGLASS: Yes.

24 THE COURT: -- both to understand and teach those
25 subjects?

1 MR. DOUGLASS: Yes, your Honor.

2 THE COURT: Go ahead, Mr. Newman.

3 Q. It's fair to say, Professor Zinn, that you've had, you've
4 devoted a great deal of your time to the study of political
5 movements which are to the left of center?

6 MR. DOUGLASS: Objection.

7 A. Yes.

8 THE COURT: Sustained in that form.

9 Q. You've mentioned that you have studied and written about
10 political movements. What type of political movements?

11 A. Well, I've, I've written about the abolitionists movement,
12 about the anti-slavery movement before the civil war. In my
13 -- I wrote, as I mentioned before, I've studied and written
14 about the civil rights movement in the United States.

15 I wrote specifically when I wrote a book about
16 Vietnam about the anti-war movement in the United States. In
17 my book "People's History of the United States" which is a
18 comprehensive survey of social movements, I've written about
19 the, about the movements of the colonial period, the movements
20 of rebellion, uprising in the colonial period in the United
21 States. Written about the agitation that went on in the
22 years just before the revolution and during the revolutions.
23 Wrote about the movements of protest, the tenants' movement
24 and the labor movement in the early 19th century. Wrote
25 about the labor struggles in the United States from, well,

1 from precivil war days up through the late 19th century,
2 early 20th century, the New Deal period. Wrote about the
3 Populist movement, the farmer struggles, the various farmer
4 alliances. And wrote about the Socialist Party and the IWW,
5 two radical organizations. I've written about anarchists in
6 the United States in the early 20th century. I've written
7 about the role of the Communist Party in the United States in
8 the 1930's, 1940's, and during the period of 1950's.

9 And I suppose in general I've, I've just done, I've
10 done a lot of work and a lot of research and writing about
11 social movements and particularly Left social movements in
12 the United States.

13 Q. Now, with regard to any of the persons who are on trial
14 here, do you personally know any of them?

15 A. No, I don't.

16 Q. And I would like to show you --

17 MR. NEWMAN: Judge, for purposes of this hearing
18 I'll use a copy rather than take the Court document.

19 THE COURT: And that may be done so long as they're
20 identified adequately.

21 MR. NEWMAN: And what I am showing to Professor Zinn
22 are the [United Freedom Front communiques.]

23 Q. Would you take a look at what I've just described for the
24 record and the Court as the United Freedom Front communiques
25 and tell us whether you have had the opportunity to look at

1 those prior to this time?

2 A. Well, I received from you in the mail this past week I
3 guess basically these, these same documents.

4 Q. Okay. And did you have a chance to read them?

5 A. I had a chance to read them, yes.

6 Q. Now, do you know who wrote them?

7 A. No.

8 Q. Now, based on your reading of them, can you tell us what
9 you perceive them to be?

10 A. Well, they seem, obviously, kind of manifestoes,
11 statements, declarations, documents that Left Wing movements
12 distribute and put out to the public in connection with
13 whatever actions they're engaging, and they're intended to
14 explain to the public why these movements are doing what
15 they're doing and intend to bring to the attention of the
16 public some particular issue.

17 In the case of these communiques, they're obviously
18 trying to bring to the attention of the public the issues of
19 South Africa, the issues of Central America, the issues of
20 American foreign policy, of what they refer to as American
21 imperialism, of the problem of racism in the United States
22 and in other places, problem of corporate complicity,
23 imperialism corporate complicity and what is happening in
24 other countries. These are some of the issues that I
25 remember them bringing up here.

1 And so the purpose of these, as I read them, I don't
2 know what, as I said, I don't know the people who wrote these,
3 but as I read them it seems clear to me that there are
4 thousands and thousands and thousands of leaflets, I don't
5 know how many, tens of, hundreds of thousands of leaflets and
6 communiques that have been distributed by various movements
7 in the United States which have this sort of rhetoric about,
8 about struggle, about revolution, about solidarity, about
9 racism, about imperialism, about capitalism, about American
10 foreign policy. And so let's put it this way, I wasn't very
11 surprised when I, when I read the language of these
12 communiques.

13 And it's kind of very common for Left Wing
14 organizations. In fact, this is what they're about. Left
15 Wing organizations are trying to, to bring issues to the
16 attention of the public that they, that the mainstream media
17 and mainstream politics don't put in the forefront. And so,
18 the tendency is to use very strong rhetoric and very exciting
19 words and very denunciatory language and revolutionary
20 language. I mean, not all Left Wing movements use
21 revolutionary language.

22 MR. DOUGLASS: Objection, your Honor.

23 A. But what I see here is revolutionary language.

24 THE COURT: Well, wait just a moment.

25 THE WITNESS: Yeah.

1 THE COURT: There was an objection. I'll entertain
2 what else you had to say, but we'll stop it at that point.

3 You ask another question, Mr. Newman.

4 MR. NEWMAN: Okay.

5 Q. If I might invite your attention to what is --

6 MR. NEWMAN: Just for your records, Judge, since
7 we're using a separate document, a separate piece of paper,
8 it's communique No. 10, United Freedom Front, Page 2.

9 Q. And inviting your attention to the bottom of it, I would
10 ask you if you would take a look at what it says on the
11 bottom and ask you if you are familiar with these terms as
12 used by Left Wing, Left Wing groups?

13 A. You mean these slogans?

14 Q. Yes.

15 A. Death to apartheid, Victory to the Azanian people, South
16 Africa out of Namibia, Defeat U.S. imperialism and its Death
17 Merchant Backers, Free all political prisoners and --

18 THE COURT: Wait, wait, wait.

19 THE WITNESS: I'm sorry.

20 THE COURT: No, I have an extraordinarily good court
21 reporter.

22 THE WITNESS: Oh.

23 THE COURT: He hasn't said anything and he's
24 entitled to.

25 THE WITNESS: I'm sorry.

1 THE COURT: But I can't keep up with that. So --

2 THE WITNESS: Okay. I was trying to get through it
3 quickly, you know.

4 THE COURT: Well, we have to understand.

5 THE WITNESS: Sure.

6 THE COURT: And you're trying to focus on what terms
7 he's asking you about.

8 THE WITNESS: Right.

9 THE COURT: Rather than recite them all --

10 THE WITNESS: Okay.

11 THE COURT: -- have you looked at that paragraph?

12 THE WITNESS: Yes, actually it's sort of a list of
13 slogans.

14 THE COURT: I can see it.

15 THE WITNESS: Take them one at a time?

16 THE COURT: No, there's a list of slogans. You've
17 looked at each one?

18 THE WITNESS: Yes.

19 THE COURT: Go ahead, Mr. Newman.

20 Q. And can you tell us what opinion you came to with regard
21 to those slogans when you read them?

22 THE COURT: I don't understand the question. What
23 opinion as to what?

24 MR. NEWMAN: Just a moment, please.

25 Q. Let's, let's just look at -- look at the first one if

1 we might, "Death to Apartheid."

2 A. Yes.

3 Q. And ask you whether in your study and writing whether
4 you're familiar with that slogan?

5 A. I've heard it before. I've seen it on, I've seen it on
6 picket signs where there have been demonstrations against
7 apartheid in South Africa. And it's, so that I'm, you know,
8 it's not the first time I've seen that slogan. It's a very
9 strong statement about apartheid.

10 Q. And are you familiar with that term as it's been used by
11 Left Wing political groups in the country?

12 MR. DOUGLASS: Objection.

13 THE COURT: Sus -- sustained in that form.

14 Q. Would you tell us how you're familiar with that term
15 other than what you've just told us?

16 MR. DOUGLASS: Objection.

17 THE COURT: No, overruled. He may tell us how he
18 knows about the term.

19 A. Yeah. Well, I, I know the term as I said because I've
20 seen the term used in literature, and I've seen the term used
21 in demonstrations, and I know it as, as a statement about
22 apartheid as, as a statement of intention to do away with
23 apartheid in South Africa. And as a statement of support for
24 whatever movements there are in South Africa that are opposed
25 to apartheid. That's how I understand that statement.

1 The word death, obviously apartheid is not a person,
2 so the word, the word death is a very common term used in
3 Left Wing slogans which is, you know, because it's an
4 arresting word, it's a dramatic word, and so "Death to
5 Apartheid" is simply a very, very powerful way of saying we
6 want to do away with apartheid. A more modest person would
7 say "Do away with apartheid, "Down with apartheid," but
8 there's a tendency among some Left Wing groups to use very
9 strong language like that. But they mean basically the same
10 thing.

11 Q. What about the slogan "Defeat U.S. imperialism and its
12 death merchant backers"?

13 MR. DOUGLASS: Objection.

14 THE COURT: I was talking to the clerk. You're
15 going to have to ask it again.

16 MR. NEWMAN: Sure.

17 Q. With regard --

18 MR. NEWMAN: I'll rephrase it, too, if I might.

19 Q. With regard to the slogan "Defeat U.S. imperialism and
20 its death merchant backers," in your study and writings are
21 you familiar with rhetoric or jargon of that ilk?

22 A. Well, yes. Defeat U.S. imperialism is a, well, been a
23 very common term in that form and slightly other forms by
24 movements that have been opposed generally to American
25 foreign policy, to American intervention, basically opposed

1 to American intervention of other countries. At the turn of
2 the century, well, roughly around the time of the
3 Spanish-American War and the years following the
4 Spanish-American War there was an anti-imperialist league in
5 the United States. And the anti-imperialist league talked
6 about doing away with ending U.S. imperialism. And they were
7 talking about what the United States was doing in Cuba, what
8 the United States was doing in Puerto Rico, what the United
9 States was doing in the Philippines, the war carried on in
10 the Philippines.

11 And so defeat U.S. imperialism is, you know, I
12 suppose a continuation or part of the sort of a general long
13 history of Left Wing opposition to American intervention in
14 other countries.

15 The phrase "death merchant backers," well, I actually
16 haven't seen death merchant backers often in recent years but
17 in --

18 MR. DOUGLASS: Objection.

19 THE COURT: No, he may finish his answer.

20 A. -- but in around the time of World War I the term
21 merchants of death became a very common term to refer to the
22 munitions makers who were profiting from World War I. And so
23 death merchants came to mean the corporations and the arms
24 industry and the weapons manufacturers who were supporting
25 imperialism, who were, who were involved in it.

1 So, those are the meanings of the term as I've seen
2 it historically.

3 Q. What about the phrase "Build the revolutionary resistance
4 movement"? Are you familiar based on your study and writing
5 with that type of language?

6 A. Well, revolutionary resistance movement, these are, these
7 are some of the common words used in Left Wing rhetoric. The
8 term revolutionary covers a wide range of possibilities and
9 programs and Left Wing groups which have even disputed one
10 another's position. They've all claimed the word
11 revolutionary.

12 And so, to build a revolutionary movement means one
13 thing to one organization, it means one thing to the
14 Socialist Party. It means another thing to the IWW, it means
15 another thing to people in the Populist movement who
16 considered themselves revolutionaries. It means one thing to
17 the Communist Party, one thing to the Socialist Workers Party.
18 There are people in the civil rights movement who consider
19 themselves revolutionaries. And the different meaning, in
20 fact, people talk about nonviolent revolution. People have
21 written books about nonviolent revolution.

22 So, the term revolutionary has meant a very, very
23 broad range of ideas which basically have to do with changing
24 the system. How, exactly how the system will be changed,
25 well, that varies from group to group.

1 Resistance movement, well, the term resistance has
2 been used a lot, probably used a lot more in the last 30
3 years than years before that. But it has been used for a
4 long time in American history to mean popular resistance to
5 governmental policy. That's what basically is meant.

6 The, the creation of organizations that would oppose
7 governmental policy both domestic and foreign and that would
8 try to bring about change. During the anti-slavery days
9 they used the term resistance. They used it in connection
10 with the fugitive slave acts. Resist the fugitive slave acts.
11 I mean the idea was don't cooperate, don't obey, break into
12 courthouses, break into police stations, free the slaves so
13 that they won't be sent back to slavery. And the term
14 resistance was used again and again in connection with the
15 fugitive slave act, and were the actions of various groups at
16 that time which were opposed to slavery and which, as I say,
17 took very, very drastic action to violating the law, very
18 militant action to free slaves who were being kept by the
19 United States government for the southern slave owners.

20 Q. Directing your attention to the line above where it says
21 United Freedom Front, where it says, "Solidarity in support
22 to the locked down freedom fighters and grand jury resisters."

23 In your study and writing, are you familiar with
24 language of that ilk, or those phrases?

25 MR. DOUGLASS: Objection.

1 THE COURT: Overruled. He may answer.

2 A. Well, solidarity and support mean, of course, basically
3 the same things. The term solidarity, of course, occurs a
4 huge amount in the American labor movement. Of course
5 probably a lot of Americans think of it as a Polish phrase.
6 But it's a very American phrase, very much involved in the
7 American labor movement, American labor songs, Solidarity
8 Forever. And it all has to do with people getting together,
9 people joining one another.

10 And of course the basic idea being that, deprived of
11 political power, deprived of economic power, the only weapon
12 that people have, the only instruments that people have in
13 order to bring about change are the unity, the solidarity of
14 getting together of people. So solidarity, you know, has,
15 has that sort of meaning historically.

16 And as I say support, support to the locked down
17 freedom fighters, well, I haven't seen the phrase locked down
18 frankly. I don't, I don't know what locked down means except
19 that I assume freedom fighters -- well, I have, we all know
20 the phrase freedom fighters has been used lots of times,
21 especially in recent years to represent all sorts of people.
22 But I assume the freedom fighters must mean people on the
23 Left who are, who are fighting for the causes that are
24 represented in this document, and maybe locked down means
25 that they're locked up, which is a typical example of how

1 words in these communiques may not mean exactly what they say.

2 And the last phrase in this is "grand jury
3 resisters." Well, this is, it's a long standing thing in, I
4 suppose more often in recent, in recent years, especially
5 since the 1960's, but it's been true before then, that when
6 prosecutions were taking place against people on the Left,
7 friends of theirs or the people themselves brought before
8 grand juries would very often refuse to talk, refuse to
9 cooperate with the prosecution and they would refuse to talk
10 and sometimes they would go to jail and sometimes spend long
11 terms in jail. And so grand jury resisters is, you know,
12 people in the civil rights, it happened in the civil rights
13 movement. I remember there was a nun who was the head of a
14 Catholic school in New York who spent a long time in prison
15 because she refused to talk to a grand jury about other nuns
16 and priests who had engaged in anti-war actions.

17 So it's, grand jury resisting is something that, you
18 know, is a fairly common thing in movements of social change.

19 Q. And finally, briefly, I would ask you with regard to the
20 phrase "Free all political prisoners and POW's," are you
21 familiar with that phraseology or phraseology of that ilk?

22 MR. DOUGLASS: Objection.

23 A. Well --

24 THE COURT: Overruled; he may answer.

25 A. The term political, the term political prisoners has been

1 long used in social movements because people who engage in
2 social movements, radicals, socialists or people, people who
3 commit civil disobedience of various kinds, people who are
4 imprisoned for protesting a governmental policy, are
5 considered political prisoners by the movements that they
6 come out of and very often by people outside those movements
7 who recognize that they've been in prison not for common
8 crimes but in prison basically for their ideas or for social
9 actions intended to bring about change.

10 And so, the political, political prisoners is to be,
11 is to be distinguished from people who are put in jail for
12 ordinary crimes. They've been put in prison for political
13 reasons. Of course the United States government itself
14 recognizes that distinction when it gives --

15 MR. DOUGLASS: Objection.

16 THE COURT: At this point the objection is sustained.

17 THE COURT: Go ahead.

18 THE WITNESS: Well --

19 THE COURT: No, go ahead, Mr. Newman, with another
20 question.

21 MR. NEWMAN: Yes.

22 THE COURT: I sustained it, sir, because you were
23 asked for your opinion and you gave it and then you began to
24 illustrate it with other examples. I don't impugn that as a
25 teaching method, but listen to his questions and answer his

1 questions fully.

2 Go ahead, Mr. Newman.

3 Q. In your opinion, are there common characteristics of what
4 you have called, I believe, agitational Left Wing writings?

5 A. Yes.

6 MR. DOUGLASS: Objection.

7 THE COURT: No, no, he may have that. Your answer
8 is yes?

9 THE WITNESS: Yes.

10 THE COURT: All right. Go ahead.

11 Q. And what's your opinion on that?

12 A. The common characteristics of Left Wing political writing,
13 well, the common characteristics are that they are very, very
14 agitational, very, well, often inflammatory, very often
15 overblown or exaggerating, but the intention is always to
16 arouse people and excite people and agitate people and
17 provoke people. Because the people in these Left Wing
18 movements think, and I think they're probably right, that
19 they, they do not have access to the attention of people
20 through normal mechanisms of communication, don't have as
21 much access to the press or to the media as other people have,
22 so they put out these little leaflets, these manifestoes,
23 trying to make up for their lack of communicating power by
24 the power of their language and very often, therefore, by the
25 exaggeration of their language and by, you know, the

1 inflammatory nature of their rhetoric.

2 And so, but the fundamental, their fundamental aim is
3 to try to educate people about certain things that they feel
4 that people don't know, try to inform them, try to arouse
5 them, try to get them to join organizations, try to get them
6 to move them into action against policies that they think are
7 wrong. And so, I mean that's what they have in common. The
8 policies that they concentrate on may vary from organization
9 to organization, the actions that they're trying to get
10 people to engage in may differ from group to group, but the
11 basic, the nature of the language, that is, the strong nature
12 of the language is, that's a common characteristic, and the
13 intent of this language to arouse and provoke, that's a
14 common characteristic.

15 Q. And the, what have been described as the United Freedom
16 Front communiques, is that within this genre that you've
17 described?

18 A. It's, it has those, it has those qualities that I've just
19 described, certainly. More -- yeah, stronger than most of
20 the communications you'll see on the Left, but not odd and
21 not, not surprising and within the range, within the range of
22 Left Wing rhetoric as it has been historically.

23 MR. NEWMAN: May I have just a moment please, Judge.

24 THE COURT: You may.

25 (Pause.)

1 Q. Without going through them all, in addition to what we've
2 entitled United Freedom Front communiques, did you have the
3 opportunity to review documents that had on the front what
4 were called Sam Melville, they're in this packet but in the
5 documents I had delivered to you, the Sam Melville-Jonathan
6 Jackson unit communiques? I could show them to you.

7 A. Yeah. I don't remember anything. If you showed them to
8 me I can tell you whether I've seen them.

9 Yeah. Yeah. I recognize especially those pages
10 that are so badly printed I can't read anything. But, yeah,
11 I, I guess this was part of what you sent me, yeah.

12 Q. And without going through these page by page, in general
13 what you've said with regard to the use of language in the
14 United Freedom Front communiques, would that apply as well to
15 the Sam Melville-Jonathan Jackson unit communiques?

16 A. Yeah. Basically the same, yes.

17 MR. NEWMAN: Thank you very much, and thank you for
18 coming.

19 THE COURT: Sir, you may step down while we discuss
20 the issue. And if you would go out to the witness room and
21 we'll --

22 (Whereupon the witness stepped down.)

23 THE COURT: In addition to the argument that Mr.
24 Avenia made, is there anything further having heard the voir
25 dire that should be said by the defense?