

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

VS.

ALGER HISS

BEFORE:

HON. HENRY W. GODDARD, D.J.

C. 128-402.

NEW YORK, January 13, 1950.

STENOGRAPHER'S MINUTES

SOUTHERN DISTRICT COURT REPORTERS
UNITED STATES COURT HOUSE
FOLEY SQUARE 7, NEW YORK

TELEPHONE: CORTLANDT 7-4580

UNITED STATES OF AMERICA
vs.
ALGER HISS.

New York, January 13, 1950;
10.30 o'clock a.m.

Trial resumed.

- -

H E N R Y A. M U R R A Y, resumed.

MR. CROSS: Mr. Murphy, if your Honor please, does not object to the annual report for the Carnegie Endowment for International Peace for 1948 which was marked yesterday as Defendant's Exhibit 6 x 0 for identification now being marked as an exhibit.

(Defendant's Exhibit 6 x 0 for identification received in evidence.)

MR. CROSS: There are one or two questions I wanted to ask before Mr. Murphy began his cross-examination.

DIRECT EXAMINATION CONTINUED BY MR. CROSS:

Q Dr. Murray, it has been said that psychopathic personality merely serves as a scrap basket to which is relegated a group of otherwise unclassified personality disorders and problems. Do you agree with that statement?

A No, sir, not wholly.

Q Will you tell us why? A If you examine the symptoms of this mental ailment just from the outside, as they appear on the surface, it seems to be a very confused category without any unity, but I believe there

are certain unifying factors.

Within recent years certain authorities have arrived at some consensus about some of the fundamental causes or characteristics of this ailment. Of these causes and characteristics, the principal one seems to be egocentric, and by that I mean an intense self-centeredness or, as Kaufman calls it, a cruel selfishness with the incapacity to appreciate the feelings and viewpoints of other people, and as a result of this a deficiency in social consciousness. The psychopath's conscience on the one hand is too weak to inhibit asocial impulses when they arise and to indulge on the other hand to punish him after he has given vent to them. As a result he does not feel remorseful or repentant when he hurts other people and he is capable of recounting his misdeeds without evidence of shame. As a result of this weak conscience and shamelessness, there is no, or very little, learning from experience.

The psychopath goes on acting always as he has before. That accounts for the common saying among psychiatrists, "once a psychopath always a psychopath."

The general view is that they are incurable, at least by any means known to science, and one of the reasons for this is that they are incapable, apparently, of having any respect or affection for anyone who tries

to help them,--and this applies to police officers, social workers or psychiatrists. They are particularly contemptuous of psychiatrists, which may be an example of their superior intelligence.

On the other hand, it is regarded, at least by psychiatrists who want to give it the most flattering explanation perhaps, that they cannot bear the feeling that they need help.

MR. MURPHY: Would your Honor strike out the answer so far as not being responsive?

THE COURT: I think I will have to have the question read.

(Question read as follows: "Dr. Murray, it has been said that psychopathic personality merely serves as a scrap basket to which is relegated a group of otherwise unclassified personality disorders and problems. Do you agree with that statement?

"A No, sir, not wholly.

"Q Will you tell us why?"

MR. MURPHY: The question was asked of the doctor to explain why he does not agree with some other authorities that the description psychopathic personality is in its essence a sort of wastepaper basket receptacle for a lot of different symptoms, and the doctor now has gone into a long treatise explaining different symptoms but not

explaining why he does not agree with other doctors that perhaps a better name is a wastepaper basket receptacle.

MR. CROSS: I thought he had stated that there were certain common traits, which he is stating what they are, and they are recognized.

THE COURT: Are those your reasons, Doctor?

THE WITNESS: Yes, sir.

THE COURT: The reason why?

THE WITNESS: Yes, sir. It is the unifying principle --

THE COURT: I should think he was answering the question.

Q You may continue, his Honor says, Dr. Murray.

A What I was trying to describe was the unifying principle that explained a great many of these different kinds of behaviors, because if you have a weak conscience associated with insensibility to the feelings of other people, these impulses which are hurtful to other people can rather easily be given vent.

Then, in some cases, if it is alcohol a man takes alcohol; if it is drugs it is drugs --

MR. MURPHY: May I interrupt. I submit now it is quite obvious that the doctor is not explaining why he does not characterize the alleged disease as a waste-basket.

THE COURT: I think you are right. Doctor, if you will bear in mind what the question asked for and answer that.

THE WITNESS: I am a little bit perplexed at this point, sir, because, as I understood the question it was, in your opinion what are the unifying characteristics or causes which give order to this very confused external picture, and I am trying to give those central causes and characteristics.

THE COURT: Perhaps you would like to have the question read? Would you?

THE WITNESS: All right, sir.

Q (Read.) A Yes, sir. The reason why I do not agree with the statement that it is a scrap basket where a lot of different unrelated things are put in is because there is a unifying ordering set of factors which relate these different things to each other and make some psycho structure from a sociologist's standpoint, and that is what I was saying to the best of my ability, sir.

Q Can, in your opinion, Dr. Murray, a psychopath be cured? A There are very, very few cases reported by optimistic psychiatrists on the partial cures, but the great majority of them have not been cured. They do not stay with a doctor long enough, for one reason.

MR. CROSS: You may inquire.

CROSS EXAMINATION BY MR. MURPHY:

Q Doctor, would you describe your personality as normal? A Relatively.

Q Well, only relatively normal? A Relatively normal, sir.

Q What would you say would be a good definition of a normal personality? A I would say that a normal personality would be one that would conform to a general standard for the culture in which the individual belonged without too many or too serious deviations. It would be a matter of the number and the seriousness of the deviations from the standard for that particular society.

Q What is the standard for our society?

A In what respect, sir?

Q So we can determine how far or below you are relatively normal. A It would take a volume to answer that, sir.

Q Well, tell us, then, since we do not have

time for that, why you feel that you are only relatively normal? A The term "relatively normal" is the term generally used in science instead of the word "normal" because it is less absolute.

Q Doctor, isn't it true that there is no absolute normal or normality? A Yes, sir; that is why I said relatively normal.

Q So that when we start going into deviations from normal we do not start with any standard; isn't that correct, Doctor? A We could arrive at a standard, sir.

Q Yes, but when we talk about deviations from normalcy we ourselves are not too clear what normalcy is. In other words, the hypothesis upon which it is based is not well defined, isn't that clear? A Not too accurately defined, yes, sir.

Q Well, has any doctor, comes to your knowledge, attempted to define it? A Yes, sir.

Q Did you? A No, I have never written it.

Q Now, Doctor, would it be of any significance at all if you examined a subject and upon examination you watched him for a number of hours and talked to him and you noticed that his mouth twitched and that his eyes opened and closed; that he had rather excessive hand gestures; that he gazed about; that he played with his watch chain; that he sniffed nervously

through his nose; sometimes he bit his lips as if his tongue were dry; played with his glasses and his nose - would those be any sort of symptoms to you as a doctor?

A No, sir.

Q None whatsoever? A No.

Q Do you discount the outward expressions of a patient? A No, sir.

Q You have to take them into consideration, don't you? A I do take them into consideration if I have them to observe.

Q Yes. My question was, then, you would in fact take those into consideration in observing a subject?

A Yes.

Q And would it form any basis at all in your diagnosis? A It might.

Q It would have some importance, can we put it that way? A It might if they were significant.

Q Well, what are they significant of generally?

A Significance depends upon relations with other things that you observe and the intensity and quantity of these things in terms of your whole knowledge of character structure and mental ailments.

Q So that we can get on by saying it would have some importance when considered with the whole?

A It might have some importance, sir. There are

a lot of things that are done and said that are psychologically irrelevant.

Q Does that hold true, Doctor, in diagnosing symptoms or characteristics that although it might appear on the surface to be a characteristic, once you study it a bit you can disregard it? A Sometimes.

Q Now, I think you told me when I was examining you on the voir dire that you were not certified as a psychiatrist.

A I was certified by the Boston Psychoanalytical Society to practice psychoanalysis.

Q So we can say that you are not certified as a psychiatrist? A Yes, that is right.

Q And when you had charge of the OSS assessment of men, those schools, you and the other doctors had these men under rather close observation for a period of time - I forget what the period was - but they were there; you looked at them through one-way mirrors, and all that sort of business too, didn't you?

A No, we did not use one-way mirrors.

Q Well, you put them through a rather severe test; I think you said you gave them a number of tests, and so forth? A Yes.

Q Doctor, is it true that some slipped by?

A Oh yes.

Q Even with all of those close tests? A (Witness

nods.)

THE COURT: Will you answer instead of nodding your head, for the benefit of the stenographer.

THE WITNESS: Excuse me, sir.

Q Some, in fact, did slip by with that close scrutiny?

A Excuse me, Mr. Murphy, what do you mean by "slip by"?

Q Well, were you able with all of the close scrutiny that you and the other doctors applied in the various tests to eliminate all of the people that you would want to eliminate from OSS service? A No.

Q Now, when you testified yesterday, Doctor, about the passports that OSS men used and the papers that were furnished them, you were not testifying as an operations officer of OSS, were you; you had nothing to do with the operations? A No, sir. I was asked whether I knew of these things. I don't know them. They might have happened.

Q They might very well have happened. I mean, your duty as a Colonel was to take charge of these schools, which is somewhat similar to the man in the Ford Automobile Company, the draftsman - he would have no idea how the cars were financed after they got on the street. A It would not be "no idea" because, as I have said, I went around the world and spoke to all these men, but my evidence is not expert.

Q You would not feel qualified to talk about operations, would you? A No, sir.

lon3

Q All right. Now, so that we can understand each other, it is clear, is it not, that at no time have you applied to Mr. Chambers any of the various projection tests, your own ph test or the Rorschach test, none of those well known tests have been given to Mr. Chambers by you or anybody else to your knowledge?

A No, sir.

Q And I think you told us that those tests often help the psychologist to look into the inner soul; in other words, it develops like an x-ray, something that you can't see or hear, but it records for your purposes the things that the subject either does not want to tell or doesn't know and can't tell - I think those were the two categories - and those tests were not applied here? A No, sir.

Q As a matter of fact I think you said that you in 1943 had done a similar job for the Government in connection with Adolph Hitler; you had been given a copy of Mein Kampf and a large collection of his speeches, isn't that correct? A Yes, sir.

Q And I think you said that you were asked to give to the Government your inferences as to his personality and predictions as to whether he would

be likely to stand up under the strain of war for many more years, etc., etc.; isn't that what you said, Doctor? A I have no doubt, sir; I think I said that.

Q Do you know whether that report of yours was put into General Eisenhower's hands when he planned his invasion? A I don't know.

Q Well, did you know, Doctor, when you had all of these various speeches that perhaps Hitler didn't write them but maybe Goebbels wrote them; maybe you were analyzing Goebbels? A I had heard a number of rumors about who had helped him, and it was possible from a very close and detailed analysis of the metaphors and phrases to note when an entirely new type of image came in. It was Hiss --

Q Did you, Doctor - excuse me. A According to the stories which I received that were supposed to be quite authentic from Mr. Hanstaengal.

Q He is from Harvard, isn't he? A One of our distinguished graduates.

Q He is one of Harvard's distinguished graduates, you said. I see. Now you said, when I interrupted you, Doctor, that you had information that - and then I interrupted you. A That Hiss had helped him in some of the writings.

Q Hiss did? I don't think, Doctor, you used

the right word. You said Hiss had helped him.

A Well, it is Hess.

Q Hess. A Hess.

Q Well, Doctor, if the author of the speech is not the man you were giving predictions on, wouldn't that throw you all off? A If that was true, if he hadn't written any of it it would certainly make it very much less valuable.

Q Well, let us suppose, Doctor, you were asked to analyze the speeches of the late President. Could you tell whether Judge Rosenman or Mr. Sherwood was the author of a particular speech? A I haven't studied them, sir, and I can't tell. In some cases you might be able to, in other cases you couldn't possibly.

Q You think that if you had an opportunity to study the late President's speeches you could tell which of the three people who worked on the speeches, written them, were the authors? A I would have to know all the three people and how they wrote independently and have a speech of the President before he met these men, and a great deal of information.

Q And even with all of that, Doctor, even with all of that, could you tell as a Doctor which paragraph and which speech was written by any of four men?

A Probably not.

Q No. What was your prediction of things to come with regard to Mr. Hitler? A I predicted that he would commit suicide at the end of the war, but I got the wrong place. I had him committing suicide up in his mountain instead of in Berlin.

Q And what did the other psychologists predict? A I don't know, sir. We did not compare notes. We never got together at all. We handed in separate reports.

Q You say that took you about, I think you said, a month to do; you had a great deal of material. How long - a month was not right. A I had already been asked a year earlier to do the same thing for a committee that I was on here in New York, and I had already a partial study so that I could do it in a relatively short time with the help of about six people, I think in about three weeks.

Q About three weeks. Now you said yesterday, as I remember it, that this technique of these projective tests, that is the technique that you learned as a doctor, can be applied to spontaneous writings of artists and authors; is that what you said, Doctor?

A Yes.

Q Well, if you assume, Doctor, that Mr. Chambers wrote every week, if you assume that he wrote every week for Time since 1939 for a salary, would you say

that that would be spontaneous writing, for instance?

A Not strictly speaking.

Q Well, assuming the facts were, Doctor, that the article "The Devil" was written at the specific direction of Mr. Henry Luce after somebody else had written an article that Mr. Luce did not like, would you say that that would be a spontaneous writing? A Not entirely.

Q No. Now, Doctor, in your assumed state of facts, the hypothetical question, what facts did you have which gave you an insight into Mr. Chambers' early formative years, his childhood and adolescence? What facts did you have? A There are practically no facts there, sir; there is the statement that he was not close to his brother, there is the statement that he taught himself French and German and was not competent in geometry, and there is the class prophecy story. Aside from that --

Q Almost nothing? A Almost nothing.

Q Well, let us analyze those, Doctor. Would you say that a person who studies by himself two foreign languages exhibits any symptom that you can regard or disregard in forming an analysis of his personality?

A By itself, certainly not.

Q Well, even not by itself but in the total

picture, did you consider it? A Yes, sir. Healy has shown that there is a high correlation between linguistic ability and pathological lying. And that does not mean by any means that people with linguistic ability are pathological liars. But if you are making a total picture and you find this linguistic ability, it helps to confirm your diagnosis, as statistics have shown.

Q Well, let us see now, Doctor. Healy wrote his book and he dealt with young boys and girls; weren't they the subject of his inquiries?

A Yes, sir.

Q And you say that he says that people with linguistic abilities indicate pathological liars, is that what you said? A No, I did not say that.

Q Will you tell me. I was confused. A I said that pathological liars commonly have linguistic ability. Therefore, if you find other symptoms along pathological lines, and, in addition, linguistic ability, you have that as confirmatory symptoms the way you do when you are trying to make a diagnosis of appendicitis or anything else.

Q As I understand it, so we can understand each other, you have not diagnosed Mr. Chambers as a pathological liar, have you? And I think your answer to Mr. Cross's question was that he had a psychopathic personality, isn't that what you said? A I believe - I don't know whether these are the right words to express it - but I was not allowed this morning to give my analysis of what the basic unifying causes and characteristics of this condition was.

Q Let me say, Doctor, and not confining ourselves to this morning, but yesterday did not Mr. Cross say, in substance, "Doctor, now assuming all of the facts are true in that hypothetical question which I read to Dr. Binger, and which you have got a copy of, and assuming further that you recall the various writings that you had read of Mr. Chambers, which are in evidence, what is your opinion as a doctor of the mental condition,

within the realm of reasonable certainty, of Mr. Chambers' mental condition," and I think, Doctor, if I recall your answer, you said that, in your opinion, he is suffering from psychopathic personality without neuroses -- I will read it to you:

"A In my opinion Mr. Chambers has been suffering from a mental ailment known as psychopathic personality without symptoms of psychosis or insanity."

Now, Doctor, that is your opinion, is it not?

A Yes, sir.

Q And of course the words that I read there did not include the words "pathological liar." That is quite evident. Now, Doctor, you said that you also had evidence of his childhood or adolescence, the fact that he studied German and French by himself, and also the fact that -- I was lost there -- oh yes, that he did poor in geometry and I think either failed in geometry or poor in mathematics or something like that. Does that count as a symptom, Doctor, of anything - anything?

A I thought I had answered that, Mr. Murphy, and that is that -- do you want me to explain?

Q No. What you are going to say is, you took it into consideration in getting at the whole picture, is that what you are going to say? A Yes.

Q Doctor, so we can understand each other, here is

what I am going to try to prove: If there are a thousand symptoms, and if to each symptom a doctor attaches the value of zero, a thousand times zero equals zero, isn't that correct? A Yes.

Q And that is what I am going to try to prove, so we will understand each other; that the basis that you apply to each symptom is either non-existent or so small so that no matter how many we have, no matter how many times we keep adding symptoms, the sum total is going to be zero. That is my argument.

MR. CROSS: What is the question?

Q Now the question is, Doctor, what medical significance did you attach to the fact that Mr. Chambers admitted that he did poorly in mathematics and failed in geometry? A Am I allowed to give my conception after you have given your conception, Mr. Murphy?

Q I think we will do much better, Doctor, not to. This is a court of law and you are being cross-examined, and I think I have the right, Doctor, to if I ask the proper question ask from you an answer yes or no. And you are not entitled as a matter of court procedure to ask me any. But if you don't understand the question you can ask that it be explained to you.

A I have no questions to ask, Mr. Murphy. I was just wanting to know whether I have the same right as you

have to state what the general conception is, in terms of which every single answer I have to give is related.

Q All the right that you have, Doctor, subject to the Judge's ruling, is to answer questions. That is the only right you have in this courtroom. But you can ask that any question be explained or you may explain any answer that you want.

T51p

Now, Doctor, those were true of the facts concerning Mr. Chambers, and I think you said that another fact that you had was that he was not very much attached to his brother. Do you know what other facts other than the episode at the high school graduation there was? I think you said that comprises all?

A Yes, sir.

Q Now, Doctor, you yourself have said as a psychoanalyst that the early childhood facts are rather important, haven't you? A Yes, I have.

Q Did you say: "The underlying conception of psychoanalysis calls attention to the impressionability of young tissue" - that means a young person, I suppose, does it, Doctor - "the underlying conception of psychoanalysis calls attention to the impressionability of young tissue"?

A That is a biological term, yes.

Q That is the tissue in the baby's mind, I suppose?

A It refers to the whole organism, sir, the nervous

system and everything else.

Q Young? A Yes, young.

Q "The durability of the impressions received and the determining effect of these upon the whole course of development. If this is true, and there is sound evidence from biology to support it, the earliest experiences, though unremembered by the subject may be lastingly important. The psychologist must go back to the foetus."

Now, the foetus is the first organism, that is the child in the very first stages, is that correct?

A In the womb.

Q In the womb? A Yes.

Q "The psychologist must go back to the foetus certainly not with the expectation of explaining everything but with the hope of exposing some of the determinants of many things."

Now, Doctor, when you said that in your book that was a sincere belief, was it not?

A Yes, sir. I still believe it.

Q And you still believe it? A Yes.

MR. CROSS: Mr. Murphy, will you give us the book and the page, because we have difficulty following it?

MR. MURPHY: The doctor says - he admitted it. I don't know whether I have to give you the book and the page. It is one of the things the doctor said.

MR. CROSS: All right, if you don't want to.

THE WITNESS: That statement refers to research, the ultimate explanation of things, different developments, would require a thorough study from the very beginning. That does not refer to making a diagnosis of individual cases.

Q Let me ask you this, Doctor: if you had the opportunity and time, wouldn't you tell this Court and jury that you would like to examine Mr. Chambers to your heart's content; give him all of the perception tests that you know; talk to him on a couch and read all his writings? Wouldn't you, Doctor, feel that then you would have a real basis for giving a real opinion?

A I would have a much better basis.

Q And necessarily a much better opinion? A I wouldn't say that necessarily. In psychology, just the way we did in surgery, we would use the word "sufficient." If there were sufficient evidence we would act, we would operate; and here if there is sufficient evidence we give an opinion. For a scientist it is never enough. It goes on forever. There is no absolute end to his curiosities.

Q Let us talk about surgical operations, then. Have you ever known of cases where doctors have cut into people and found out that they made a mistake although they thought

they had sufficient evidence? A A great many.

Q A great many? A Yes.

Q And have psychologists made mistakes at all?

A A great many.

Q Have you, Doctor? A A great many.

Q Now, you agree, Doctor, do you, that the definition of the term "psychopathic personality" is rather a vague concept? A If you examine the literature you find a great difference of opinion, and therefore it seems vague. I was trying to explain to Mr. Cross's question that I do not believe that it actually is as vague as would seem on the surface.

Q Well, can you say that the field luxuriates in a riotous uncertainty, then; let us put it that way? A I think that is too rhetorical for me.

Q Well, it is vague, Doctor, isn't it, under the concept of most doctors? You might not think it is vague but most doctors think it is; is that fair? A I would say so.

Q Now, Doctor, I think you told us two or three times during the course of your direct examination that the psychiatrist and the psychologist work hand in hand; that the psychologist is actually the man who conducts sort of the laboratory work; he is the man who gives the tests; he is the man who conducts the inquiry generally,

and then reports his findings to the psychiatrist, who makes the diagnosis based upon that test, I suppose, and his own observations; is that correct?

A That is the conventional way of doing it in clinics and hospitals.

Q Well, even amongst private doctors don't psychiatrists send a patient now and then to a psychologist? A Sometimes. Quite often they do.

Q In other words, it is the psychiatrist who forms the diagnosis? A No, sir.

Q I thought you just said that, Doctor? I thought you said that the psychologist is the technician; the psychiatrist gives the opinion. A The --

Q Did you say that in words or substance? A If I said it I had not understood you quite. The function of the psychologist is to make a diagnosis on the basis of his facts and tests. The patient then goes to the psychiatrist, who can change that diagnosis and say, "Well, I found out some more evidence and this is not true," and he might send him back to the psychologist. But the difference is that the psychiatrist treats the patient, but as far as diagnosis goes, the psychologist has just as much to say about it. But if you are applying this to me, Mr. Murphy, I have been practicing psychiatry since 1926, and I was the consulting psychiatrist in the OSS, and

therefore I have had an opportunity to fulfill both functions.

2 Q What I was asking, Doctor, was to reaffirm what I thought you had said on at least two occasions yesterday; that that was the usual relationship between those two types of professional men; and I think you did say that that is what you said in substance?

A I think, Mr. Murphy, that the way you repeated it today the word "diagnosis" got connected entirely with the psychiatrist and you made the psychologist just a technician that had no opinion, came to no conclusions, just handed in a lot of figures or something of that sort.

Q Well, you say he expresses an opinion to the psychiatrist together with the outcome of his test, but the psychiatrist does not necessarily take that opinion as final; is that quite accurate? In other words, the psychiatrist, as between the two, when they are working together, has the final say?

A If he is in private practice that is his patient, and naturally he has the final say. He might not come to a conclusion himself for nine months until he is through.

Q Doctor, when you were in OSS and you were the consulting psychiatrist you had the final say, didn't you?

A As far as diagnosis went.

Q Yes, all right. Now I think we can go on and get

some concepts pretty clear in the jurors' minds. You said that Mr. Chambers in your opinion as a doctor -- oh, by the way, Doctor, generally speaking, psychologists do not necessarily have an MD degree like yourself, do they? A Not necessarily.

Q I mean there are a great many psychologists who are not MDs? A Most of them.

Q Most of them? A Yes.

Q Now, when you said that in your opinion Mr. Chambers had a psychopathic personality without symptoms of psychosis or insanity, does that in substance mean, the latter part of it, that in your opinion he was not psychotic? I think you said that. A Yes. The word "insanity" does not mean something different from psychosis. Those are equivalent terms. I was trying to explain the meaning of psychosis.

Q So we can say that in your opinion Mr. Chambers is not insane, as we know that as laymen? A Yes.

Q But he has a disorder of character, his personality?

A It is a mental ailment.

Q Wouldn't you describe it as a disorder of character?

A Character and mind are synonymous terms.

Q So that I would be correct in saying a disorder of character? A You could say a disorder of character, disorder of mind.

Q I didn't ask you that. You could not commit a patient who had such a disorder, could you? A No, sir.

Q You could not? A No.

Q I have a definition, Doctor, from two doctors - and I don't know whether I am going to pronounce the names correctly - Strecker and Ebaugh. A Ebaugh, yes.

Q Are they pretty well recognized in the field?

A Oh yes.

Q Now, the things that you relied upon, Doctor, in forming your opinion about Mr. Chambers, were those things that you told us yesterday and nothing else, isn't that correct, Doctor? A No.

Q The various writings and the assumed facts in the long question? A Yes.

Q In other words, let us put it this way, Doctor: You relied on two things; one, the writing, and, two, the facts in Mr. Cross's question, is that correct? A Yes, that is correct.

Q Nothing else; in fact, to the exclusion of everything else? A As far as I was able.

Q Fine. Now, I think you told us, Doctor, that the writings that you relied upon were six poems and four prose pieces, and those four pieces were "The Damn Fool," "The Play for Puppets", "In Memory of R.G." and "The Devil"; five book reviews in the American Mercury; two articles in Time; and

the translations of "Class Reunion" and the "Scorpion"; and then you also added "Samson and Delilah"; but then Mr. Cross said that that was not in evidence. Had you read "Samson and Delilah" translated by Mr. Chambers?

A Yes.

Q But in giving your opinion you have tried to divorce that from your mind? A Yes, I have.

Q Now, Doctor, in analyzing those writings did you realize that they were written at different times? A Oh yes.

Q Yes? A Yes.

Q In other words, "The Damn Fool", "The Play for Puppets", "In Memory of R.G." and "Tandaradei" and the poems were all written either when he was at Columbia or within a short while after; I think the poems are dated 1926. And then the very next writing that you have are the book reviews in 1944; so there is a spread there of about 20 years. Then "The Devil" - that is 1948 - two articles in Time, 1948, and then going back, two translations in 1929. Now, you say you realized that there was that split in time that you did not consider in your evidence, so to speak; in other words, you did not have a continuous run of literature? A No, I did not.

Q And you said that you considered that absence, did you, in forming an opinion? A Yes, I did.

Q You knew, of course, that he wrote every week, let us say, from 1939 to 1948, did you not? A No, I did not know that.

Q Well, didn't one of your assumed facts say that he was on Time and wrote book reviews and the cinema, religion, international news, and so forth, for a period of ten years?

t6

A I would assume he had.

Q Well, let us see, Doctor, now. Assuming that these are the facts, wouldn't you say that you read a rather meagre part of a man's writing? Wouldn't you say that - I think the term you people use is a selected sample?

A A small sample, yes, sir.

Q A small sample, with that spread of years in there, too. In other words, in the beginning, most of it was in the early '20s and then only a few pieces in 1948 or so. Did those facts disturb you at all when you tried to form your opinion that you had just that sort of selected sample, with so many intervening years with no sample? A The fact that I found some of the same themes, sentiments and imagery in "The Devil" that I did in the early ones and also others, confirmed me in a supposition that there were some persisting dispositions that went right through the years.

Q You can say right through the years, Doctor, can you, when you don't know what took place in the intervening twenty years? A If a disposition is a part of a personality in 1926 and is a part of personality in 1948, it hasn't gone out of a personality in the meanwhile and then returned.

Q How can you say? How can you say? A The knowledge of the human organism, sir.

Q Now you say disposition. If a disposition exists

in the early years, now, what were the facts that you relied upon from which you came to the conclusion that there was a certain kind of disposition in the early '20s? What were the facts? A What were the facts? On the basis of the writing alone or the whole history?

Q No. Whatever it was, Doctor, that you had. What were the facts from which you now have told the jury that there was a disposition? I want to get into what the facts are, then I am going to ask you to define disposition, but I think I should first know what the facts are that you said gave to you as a doctor the fact that there was a disposition.

A The main disposition --

Q No. Tell me first, Doctor, what the facts are and then define the disposition. A The facts are, leaving home, the class prophecy --

Q Well, we don't know what that prophecy was, you know. You don't know, do you, Doctor?

MR. CROSS: Why don't you let him finish his answer.

Q Do you know what the class prophecy was? All you know was that he was told to give not the prophecy he wrote, in fact did it; but what it was you don't know?

A Well, we know, Mr. Murphy, that it outraged the authorities enough to withhold his diploma.

Q No. Wait a minute, Doctor. Point out if you will - you have a copy of the typewritten question there - where it outraged the authorities. A He lost his diploma --

Q Just a minute. Please stick to the facts, see. We are going to have trouble enough unless we get right down to the facts. Now you have used the word outraged the authorities. A I will take --

Q And you used the words lost the diploma. Now tell us where that is in the question and we can put our finger right on it. A I will retract on the word outraged, sir. That was an exaggeration. I think the fact is in the hypothetical question that he did not receive his diploma on graduation on account of this action. Isn't - isn't that true, sir?

Q I think it is that he did not receive it that day, yes.

MR. CROSS: No, it is not, Mr. Murphy. He said because of this disturbance Chambers did not get his diploma at the time the class graduated.

Q Well, I used "that day," and Mr. Cross says "on the day the class graduated." There is no testimony, Doctor, that he did not in fact receive the diploma. He did not get it the day the other boys got it, and he did recite a class prophecy which he was told not to read. And

those are the only facts, Doctor, that you can assume. All right, now, you were telling us that was one of the facts. A That indicated - you want me to stick to the facts. Going away from home, "Play for Puppets", leaving Columbia before finishing his education, abandoning democracy, and atheism.

Those facts, Doctor, led you to believe as a psychiatrist that he had a disposition of some kind or other? A I would say that for a boy of early 20s that there are a few possible loyalties - one, family, school, college, country, ideology, political ideology like democracy, and religion. Those are six. There is evidence that he repudiated all six. I would call that a disposition to --

Q A disposition to - what? A To form an antipathy towards the values of his culture, his society, his community.

Q Now tell us what disposition means, Doctor.

A Disposition is a psychological term that refers to a hypothetical structure in the mind, in the personality, which manifests itself under certain conditions in a certain way. In other words, you can't --

Q Well, can you tell it, Doctor, in ordinary simple --

MR. CROSS: You don't let him finish his

answer.

Q Were you finished, Doctor? A Well, I was going to say, Mr. Murphy, that we are not yet able to point to structures in the brain and look into the brain with a microscope, and therefore we can't define in psychological or psychiatric terms, in terms of tangible objective structures, and so we define them in terms of the manifestations of those structures which we conceptualize, and that has been true and always will be true in respect to the human brain.

Q Doctor, we are trying to learn in lay language if we can what you mean when you use the word disposition. Now I think Dr. Binger admitted that almost every human act can be defined in simple everyday language, every human act. Now, Doctor, can you tell us, a group of lay people, what you mean by disposition in simple language? A Disposition is the things in a person which accounts for his behaving in a certain way quite often.

Q Well, now, is it different than the man's will, for instance? A It may be different.

Q Well, do you say it accounts for behavior, disposition accounts for behavior? A It is a hypothesis, Mr. Murphy, that is always made in referring to the brain. If a person acts in a certain way over and

over again you have got to assume that there is some structure in his organism, in his brain, that accounts for this kind of repetitive action. It is like the word memory, for example --

Q I think I understand, Doctor. So on these six things that you have pointed out to us in the early twenties, or starting with high school, Mr. Chambers exhibited to you a tendency to break down certain things in his head. Would that be a fair but poor summary?

A I would say to be opposed to, perhaps, or disregard; in some cases it would be disregard and other cases definitely opposed to, and other cases to tear down, undermine.

t7

Q All right, now. So that from these writings in the twenties and in the eighteens or so when he got out of high school, and then you saw it cropping up again in 1948 when you read "The Devil" and the other book reviews in 1944, is that what you say, Doctor?

A Yes, sir.

Q Now did you read, Doctor, the "History of Civilization" in Life Magazine by Mr. Chambers?

A No. I have not read anything except what is listed there. It was not available to me.

MR. CROSS: It is not in evidence, Mr. Murphy.

Q Did you read the article in Time on Pope Pius?

A I have not read anything except what was given to me and I have recited all the ones given to me.

Q I want to point out to the jury all of the things that Mr. Chambers testified to on this trial, and point out to them that you had really a very, very small sample so that they can judge too whether or not your analysis was complete enough. So even though you will have to listen to these subjects, you just tell me yes or no whether you considered them; or suppose I read them off and ask you one question:

Did you read "The History of Civilization" in Life Magazine by Mr. Chambers, the story of the Pope in Time? A Yes, sir.

Q The Time cover story on Arnold Tonybee?

A No.

Q The story in time on the singer Marian Anderson?

A No.

Q On Reinhold Niebhaur, the theologian? A Yes.

Q On Albert Einstein? A No.

Q And the following translations: Fifteen Rabbits
by Felix Salten; The City Jungle by Felix Salten?

A No.

Q Bambi by Felix Salten? A No.

Q Mother Mary by Heinrich Mann? A No.

Q Cards and Kings by Tralow? A No.

Q The Passionate Rebel by Lord Byron? A No.

Q Thistles of Baragon? A No.

Q Henri Dunant, the founder of the Red Cross?

A No.

Q The Great Crusade? A No.

Q And hundreds of stories in Time from 1939 on,
cinema, religion, international news - you read none
of those? A No. Not in connection with this trial.
I would like to be able to say one thing in connection
with that, and that is from friends of mine who have
been on Time and Life in various periods in the past.
I have been led to understand that these articles are
not entirely the work of one man; that there are

research workers and people that correct the facts so as to make sure of the accuracy, and so forth, and it is extremely difficult to tell that anyone article in Time or Life is the work of the one man. That may be incorrect. That is one of the reasons why I say I did not ask that a great effort should be made to furnish me with more material. I examined simply what was given to me.

MR. CROSS: May we have a stipulation, Mr. Murphy, that the only articles that you read off marked as exhibits in this case are Pope Pius and the article on Niebhour?

MR. MURPHY: Yes, I will so stipulate, and I suppose you will stipulate Mr. Chambers has testified under oath that he is the author or translator of the ones I have read.

MR. CROSS: I don't know about all of them, but they are not exhibits and therefore they could not be presented to Dr. Murray properly.

MR. MURPHY: You won't stipulate?

MR. CROSS: I have not checked all of them.

MR. MURPHY: May we have some time to find these pages?

MR. CROSS: If you give us time to check it?

MR. MURPHY: May we have a few minutes, your Honor, to get the pages in the record?

THE COURT: How long will it take?

MR. MURPHY: About ten minutes.

MR. CROSS: I will stipulate if he gives me time to check on them all. I know most of them, but I don't think the jury's and the Court's time should be taken if I am willing to have someone check and later state to the jury what they are.

THE COURT: Can we take it subject to correction?

MR. CROSS: Yes, your Honor.

Q How did you know from the assumed facts, Doctor, that "The Devil" that you placed so much reliance on was not written as a result of some researches of others and editorial work by others and does not contain mistakes?

A I would not be sure that there was not some help on that. That was distinguished from the Time articles by being a longer article that was signed, and I happen to have read all the books that the article was based on, and I take it that it did not require a great deal of research.

Q Really, Doctor, you don't think that that required research, that story of "The Devil"?

A I said a great deal of research and I had read the four books that he mentioned there.

Q Doctor, don't you know that it is a very, very common practice for authors to have researchers -

all authors? A All authors?

Q Don't you know that, Doctor? A I did not know that all authors have researchers, no.

Q Well, a large percentage of the well known authors have researchers. You know that, Doctor?

A Including poets and novelists, and so forth?

Q I am only asking what you know, Doctor.

A I did not know that.

Q But you have no knowledge whether or not the article that you have read entitled "The Devil" was written by Mr. Chambers with or without researchers and with or without editorial correction? A I do not know that.

Q Now, Doctor, let me see if I understand again what the perception tests do, or how they help a doctor. I think you said, generally speaking, a subject, if you interview him, you hear him and you put down or learn what he says. That is one method of securing pertinent information, and the second and the third methods are by those tests, and they develop (1) what the witness knows but ordinarily don't tell, and the next is what the witness does not know and what he does not tell; in other words, the subconscious, and the other one what he knows but he does not want to tell, and those tests that psychologists and psychiatrists have devised they bring out these latter two, and I think you

told us that you have studied these writings that you have described because they reveal to you something in that category that I have numbered 1, 2 and 3 that you can put your finger on as 2 or 3. In other words, they reveal to you either what Chambers knew and would not tell or what he did not know and could not tell. Is that correct, Doctor? A Also 1.

Q But you did not attach too much importance to 1, did you? I think you said that the nub is 2 and 3.

A I said that those techniques were devised so as to get 2 and 3, but you also get some of 1.

Q But didn't you say that was one of the reasons why you were able to do it with regard to Hitler? You said you did not count too much on Mein Kampf but did get a lot of material from the various speeches because of this technique that you have that revealed No. 2 and 3. A That includes Mein Kampf.

Q But Mein Kampf is what he has said. I mean either he could have said anything, 1, 2 and 3 were the hidden things and they are revealed in the writings and speeches. A Well, that is what Mein Kampf is. That is a writing and it is revealed there too.

Q The principal one though is 2 and 3? A Yes.

Q And you get those by your experience in the use of these tests? A Yes, sir.

Q Now in connection with the facts that you relied upon here, 2 and 3 come from the writings and from what you could pick out of the assumed facts, because the assumed facts are all based, for the large part, upon Mr. Chambers' testimony. There is other testimony in there but for the large part it is Mr. Chambers', is that correct, Doctor? A If I understand you, yes.

Q What I am trying to say is that these different categories that you describe as 1, 2 and 3, you have picked them out in this case from two sets of things; 2 and 3 you picked out from the writings and also from the assumed facts, and the No. 1 from the assumed facts only. A You are making me say something that I do not believe, Mr. Murphy.

Q I don't want to do that, Doctor. Suppose we start over again: Can we say, Doctor, that you relied upon two sets of things (1) the writings you have described and (2) the assumed facts and nothing else, is that correct?

A Yes, that is true.

Q And from both of those things you have been able to learn (1) what Mr. Chambers has said and (2) what he knew and did not say, and, what he did not know and could not say?

A Those three divisions, Mr. Murphy, are not

appropriate to this question here. I don't make a division that corresponds to this classification in dealing with this material.

For example, if I am talking about a disposition of antipathy against the values of your culture I don't know to what extent Mr. Chambers was conscious of that at the age of 24. It is obvious that he was to a certain extent conscious, because he did certain definite willed acts, but there probably was a large unconscious element in it, but to what extent it is conscious and to what extent unconscious I cannot say. I cannot put it in those three categories.

Q So that there is no sense in my asking you to pick out which were the unconscious? A I am afraid not, sir.

Q You can't tell, Doctor, what a man is thinking, can you? A Can I tell?

Q Yes. A At the moment?

Q Yes. A If he is talking his thoughts out loud I can tell a number of his thoughts or part of his thoughts, but if he is having more thoughts than he can tell me, those thoughts I am not aware of.

Q In simple language, you understand what the man says? A Sometimes.

Q Well, assuming that you were talking to a boy you met on the street and the boy said to you, "Is that bus green?" - now, what was meant by all of that talk was that you knew that the boy was thinking whether or not that bus was green; isn't that what you mean? You don't mean anything more recondite than that, do you?

A I will say yes to that question.

Q You do mean something more abstruse than that?

A There might be a lot of other meanings --

Q Yes, but do you know? A No, I don't know.

Q In other words, as you sit there on the witness chair or in your office, as a doctor, all you know about a person's mental operations is what he is then telling you?

A No, not entirely.

Q You know something more, do you? A Yes.

Q Tell us what more is it that you know? A He does things with his body that express operations of his mind, and those are used as diagnostic clues.

Q Give us an example. Supposing you are talking to a man about making a date for lunch on the corner of the street, and he keeps doing that with his feet (tapping) - what is he thinking about other than trying to agree on a place and time for lunch?

A He might give indications - not quite that one - although that might be part of it, that he did not really want to have lunch with you; that he felt that this was an obligation or a matter of duty, and he was in a perfunctory way making a date where he was showing --

Q Well, Doctor, let us suppose he had to go to the bathroom --

MR. CROSS: You asked him what that would signify and you cut him off. I think you ought to let him finish.

MR. MURPHY: I am sorry, Doctor, if I interrupted.

THE WITNESS: It is all right, sir.

Q Would you continue. A I think I have said enough to make my meaning plain that the man shows in all kinds of gestures and emotional expressions and

movements of his body certain feelings and emotions that are going on.

Q And you can tell what those are? A And you make certain inferences from those just the way you do from speech. Speech, as many people have said, can be used to conceal thought as well as to communicate it.

Q Doctor, these inferences that you draw, are they correct inferences or are they just inferences? A They may be correct and they may not be correct.

Q So that whether you know what is going on or not can be divided into knowing and not knowing? A Can I explain my answer to this question?

Q Yes, please, because I am confused. A Because if you ask me to give a definite answer of knowing or not knowing on any one item, as a scientist I could not possibly say definitely that I know. We don't work that way. We wait for accumulation, a multiplicity of observations, and then the relations of those observations. There are certain things that belong together, and when you find them together - like temperature or high leucocyte count in the blood and a pain in the right lower quadrant --

Q That might be appendicitis? A You might say appendicitis, perhaps. But temperature alone, you don't make a diagnosis of appendicitis on temperature alone.

Q Some doctors do, don't they, Doctor? A I don't

know of any doctors who do that on temperature alone.

Q Doctor, so that the jury can understand your scientific viewpoint, can't you say in words or substance that you do not know, either as a doctor or as a man, what a man is currently thinking about when he is talking? Isn't that a fair assumption, Doctor? A I would say yes to that in quotations.

Q Doctor, you said also, if I remember one of your answers, that Mr. Chambers was a glib and fluent talker. Now, what facts either in the assumed facts or in the writings did you get that fact from? A My memory, Mr. Murphy, is that I used those expressions "glib and fluent talker" when I was describing a psychopathic personality.

Q Not necessarily Mr. Chambers? A At that time I was not referring to Mr. Chambers, was I?

Q I don't know. That was my question. I wanted to know how you would know that, not having seen the man.

A If you asked me that in relation to Mr. Chambers I would only have two very small pieces of evidence, and I would not rate them highly, and I never included these in my list of evidences.

Q You would not rate them highly, you say? A These two little facts.

Q What are those facts? A Well, one is that he is a writer who has to write a lot and often, as editor of

Time, and there is a tremendous pressure, and fluency in writing is very often correlated with fluency in speech, but that is a very small matter. The other one is -- the other one I would rather put down as, perhaps, ease of telling a falsehood. When he wrote to --

Q To the Dean? A -- to Professor Van Doren and said, "I told a lie quite simply." That has more to do with glibness in lying than it has with fluency of speech.

Q But you said you did not rate them very highly?

A I do not rate those highly. I included that phrase in the description of psychopathic personality because it is very common, but I have not heard Mr. Chambers talk, I don't know.

Q You don't know? A No.

MR. MURPHY: May we have a recess now, your Honor?

THE COURT: Yes.

(Short recess.)

T9op

Q Doctor, you said that one of I believe the characteristics or symptoms or one of the facts that you took into consideration to come to the conclusion that Mr. Chambers had a disposition to be sort of asocial was the lie that he had made to Professor Van Doren, and I was wondering, Doctor, whether in your assumed facts you were acquainted with the entire letter that he had written to the Professor? A I am sorry, Mr. Murphy, I did not use

that fact as an evidence of his asocial disposition.

Q Oh, then, you used it for some basis for glibness I think, or something? A I did say it had a slight connection with it.

Q Did you have the opportunity, Doctor, of reading the letter? A No, I have not been shown the letter.

Q Doctor, I am going to read you the entire letter, and it is in evidence. It is dated September 15, 1924.

"Dear Mark:" -- Professor Van Doren was his faculty adviser at the time.

"Dear Mark:

"Perhaps you have returned. I asked Dibble and Neff, but they did not seem to know.

"I have unpleasant news: I am returning to college. I should have warned you sooner had I known where to reach you.

"There are several reasons for the return. I went to see the Dean this morning and gave him the minor reasons. They were the desire of my parents to have a graduated child, my own desire to complete what I had begun, and a wish to specialize in history. I lied to him quite simply and told him I wanted to teach history. After all, what he wanted to be sure was that I would stick, and my major reason is none of the Dean's affair.

"Indeed it is a new one of my own, which I am content to have entre nous. I have an unconventional partner in this world for whom I care very much, and it is she who is urging me to this reversal. We need to analyze the basic feminine motive in getting me again in harness where, in a way, she can at once guide and encourage. She agrees (and in this I think she is right) that my present job ideally permits me to study. I shall keep it and pay my own way. And I am happy to do what she wishes."

Parenthetically, he was working at the public library at night.

"I tell this as lightly as possible. But you must judge by the facts. It is not pleasant to play inconsistent. I have fewer illusions about colleges than when I left. And fewer about the value of education or even of intelligence. I think the level of culture, like the level of folly and evil, remains constant in nearly all generations and our endeavor to screw it up wholesale is a wasteful and revolting debacle. I could name on one hand the boys for whom I think the last four years of college have done a real good. It would take more than two to count over those to whom I have seen it do a real harm. I find that very depressing and, with one or two exceptions, I find the faculty as depressing

as the students. I do not know whether you will be able to understand how much so.

"But I am trusting that I shall have very little time to see these things. I want to carry eighteen points of work;" --

That is a fairly good class program, isn't it?

A (No answer.)

Q -- "and that, with my job and my other activities, should heap the measure."

A I was asked to answer that, and the answer is I don't know what eighteen points at Columbia --

Q Well, eighteen points at Harvard would be eighteen hours of work, would it? A They don't use the point system there, sir.

Q -- "You will favor me very much if you will undertake my advisorship again. I may have an occasional blank to sign, but, aside from that, will endeavor to bear myself with rectitude, humility and decorum.

"I have written very little for the past month. All my winter's work now seems to me very thin. It is too personal to be amusing and I strive not to believe I was ever so unhappy. So I have put it by. I have seldom felt so eager and so active. Whether or not I write is a minor consideration.

"I suppose you have been having a wonderful

saunter about Europe. If I drop in a few days hence perhaps you will find a moment to tell me how you are and a little of what you have done.

"I see your book is to come out soon. I am glad.

"Sincerely,

"Whittaker."

Doctor, assuming that that is the letter and that is the instrument in which Mr. Chambers said "I lied to him quite simply," do you think, Doctor, that that could be considered by a psychologist as evidence of lying?

A Yes, sir.

Q How would you rate it? Highly? A I don't understand what you mean by rating.

Q Well, before you said that there were two facts which you didn't rate too highly, and I was asking you how you would rate that under the general denomination "lie"?

A I would rate that about medium.

Q Now, Doctor, when you are analyzing a subject and get into the domain of lying, do you consider the purpose of the lie at all? A Oh yes.

Q In other words, the purpose of a lie, the reason for the lie has a significance to a doctor, does it not?

A If we can find out what it really is.

Q Well, for instance, Doctor, the lies that we tell

daily; for instance, a woman says the size of her shoe is 6-1/2 and it is 8. Do you attach any significance to that at all? A Just by itself, no.

Q Well, even assuming that is one of the facts that you pick up and eventually form a total picture, you don't include it at all in that picture, do you? A I would say that it was - it would be very peculiar for a woman to say that her size of her shoe was 3 degrees off from what it was, when you can look down and see.

Q 3 degrees? A I thought you said 5.

Q 6-1/2 and 8. A Oh, I thought you said 5. 6-1/2 and 8.

2 Q It would be peculiar you say? A It depends who she tells it to and whether --

Q Assuming she tells it to a shoe salesman when she is buying a pair of shoes? A I would have to know whether she was ignorant or whether she really wanted to buy a pair of shoes, or some other fact.

Q Assuming that she was a college educated woman, that she wanted a pair of shoes, that her foot size was 8 and she asked the salesman for 6-1/2? A Well, I suppose that I would infer that she was forgetful about the fact that she had bought other pairs of shoes size 8, a good many of them probably, in the past.

Q Well, assuming, Doctor, that she was one of your

subjects and that was just one of the incidents that you asked her about, would you consider that as part of the subject matter upon which you would rely in order to form a diagnosis? A If one of the things I was interested in was memory for practical details, I would consider that was important. If that was not an issue in her case I might consider it entirely insignificant.

Q Doctor, I take it that perhaps I am wrong that you do not diagnose the patient first without hearing the facts? Don't you hear all the facts first and then diagnose it later? A Yes, sir.

Q I mean, it would certainly be wrong medical practice, particularly for a psychoanalyst, to give his opinion in advance of hearing the facts? A Certainly.

Q Well, how do you dismiss it? Take this incident of the lady buying shoes; you can't dismiss it, can you, Doctor, right away or -- A No.

Q -- you wait until you get all of the facts?

A You would hold it in mind to see whether it is significant and relevant to other facts that you obtain as you go on.

Q And then you would rule them out or include them?

A Yes.

Q Yes. And you say it becomes important to learn the rationale, the reason behind the lie, if there is a reason?

A Yes, I think that is important.

Q Suppose there is no reason at all; that is a pretty good sign, isn't it? A Pretty good sign of what, sir?

Q Of a good psychopathic symptom. A That I could not say yes to because there is the difference between the rational reason that helps in immediate social adjustment and reasons that have to do with the imaginations that a man has in regard to himself; and those might be classed, if we have to make a division, as irrational reasons, but they are very important to his make-up.

Now, in this particular case, Mr. Murphy, I would say that that was a very good friendly letter, would dispose me in favor of this man, but knowing that after writing that letter, which was September 1924, that he left Columbia in '25, in the winter of '25, would make a great deal of difference. Here is a man with great fluency of expression and can write an appealing letter, so you trust him. I would say this man will surely finish his education. And then in three months he is out. I would count that as very important.

Q What were the three months that you added up there, Doctor? A I am sorry. The term is four months. I was told he ended - he left at the end of the first term, '25, the winter of '25.

Q Well, the fact that a man intends to remain in college and then leaves, does that have some significance, Doctor? A Why, yes.

Q It does? A Yes.

Q Does it have a significance to a psychiatrist or a psychologist when you leave at the end of a term?

A If it is connected with a great many other instances of lack of persistence and lack of enduring and lasting purpose and loyalty, yes.

Q Well, let us attach it only to schooling, and the facts are here that the boy is a high school graduate and that he went to college, and that at the end of the sophomore year he wrote this play, and he left not voluntarily, he was not discharged or expelled; he was told to get out, and then he came back. Would you say that with regard to schooling it showed no attachments there at all or no consistency of purpose? Wouldn't it show just the other way, he had completed his elementary school, high school, and gone to two and a half years of college - that shows a rather strong attachment to learning, it seems to me?

A Well, after his having left once and then returning, I would regard the returning as important, as an evidence that he had some firmness of purpose or steadfastness, but the fact, after writing that, I would say, appealing letter and apparently sincere letter, to leave at the end of a term when

he only had a little more to carry him through - I would say that, particularly in conjunction with the fact that this man has real intellectual interests and he is of superior intelligence, and therefore college has something to offer him --

Q Well, most people who attain greatness in after life, when you find out they left in the middle of their college career, does that mean anything at all? Does it mean that had they stayed they would have become better, or something like that? A I don't think you could say that. You can't generalize it. Give me special cases and tell me exactly what the conditions are and I might be able to make a guess.

Q You might be able to make a guess? A Possibly.

Q Now, Doctor, assuming that he left college at the end of his junior first term to join the Communist Party; that he became interested in that philosophical concept or ideal; when a man leaves college for what appears to him to be a good and sufficient reason you do not attach any real diagnostic opinion to that, do you, Doctor, as a real purpose for leaving? Just change those facts. Assume he had no more money, if his parents were paying, and he could not work, and that that was the reason he left - there is no significance to that?

A If you want me to assume something entirely different

from what we have in the hypothetical question I might say yes - no more money - perfectly reasonable.

Q And the reason that you do not attach much significance, Doctor, is because there is a good and sufficient reason behind the leaving; isn't that right, Doctor? A If it is necessary, yes.

Q In other words, the reason is there; it is a valid reason; the lack of funds. Mr. Chambers' reason for leaving was that he wanted to join the Communist Party, which he did. He went down and knocked on the door himself. Doesn't that remove it, Doctor, from whatever stigma there is in leaving college, to a doctor?

A Not to me, sir, because it means abandoning two things at once: abandoning college and abandoning democracy.

Q Well, assuming that he had a real, sincere reason or purpose, a firm purpose, would you attach any medical significance to the fact that it disagreed with your ideas of democracy? A I didn't understand that question.

Q If Mr. Chambers, if you assume, Doctor, that he had a real burning desire to become a Communist because he felt that that was the philosophical approach to all of the world's troubles; assuming that he was sincere in that belief and he went to the Party and joined up, and, of course, left college because he went with the Party -

does that have a medical significance because he abandoned democracy in doing that? A I would say that in conjunction with all the other breakings of associations, that this is just another one; and considered in relation to the others, it is significant. I do not see any necessity there -- if you ask me or tell me that a man decided to commit murder and left college for that purpose, I do not think that I would rate that as a very high motive for abandoning his education.

Q Well, you would not rate it very high in considering whether or not he had attachments to learning, would you? A It would mean that he preferred murder to learning.

Q Yes, but that is a concept that has nothing to do with your diagnosis. If the reason is sincere and rational that is my point, Doctor - if it is a sincere, rational, firm conviction that he is doing the right thing by joining the Communist Party as a philosophical concept, would you say that it has significance? A Mr. Murphy, the point I am making is that he shifts; that he is not reliable in his attachments; that he joins the Communist Party and in 1929 he is out of the Communist Party --

Q Well, we are going to come to that, Doctor. But you say that that break, the break from college to the Party, is some evidence of shifting; can we put it that way?

A I would say so, sir.

Q And do you rate it high, medium or low? A On the high side.

Q Now, Doctor, I think you said that there were a number of different types or kinds of psychopathic personalities, and then you listed quite a few different ideas. Dr. Binger called them symptoms or characteristics - is that what you mean too? In other words, you said lying, stealing, drug addiction, alcoholism, and so forth. Are those types of personalities or are they characteristics or symptoms or evidences?

2 A They are different forms of behavior. Different types of psychopathic personality are marked by one or another of these types of behavior. And then there are certain mixed types where you find one individual showing two or three forms.

Q Well, you gave us sort of a rundown on what were the common types, is that correct? A Yes, sir. I mentioned the commonest forms of behavior.

Q And you have no evidence here, have you, Doctor, of drug addiction or alcoholism or sexual abnormality? We have ruled those out, haven't we? A We have ruled out drug addiction and alcoholism.

Q And not abnormal sexuality? A I would not rule that out, Mr. Murphy.

Q Well, let us find out what the facts are, Doctor. That is rather a serious thing. Tell us, Doctor, the facts that you have relied upon in these two things that I have called them, the hypothetical question and the writings, from which you rely on the diagnosis of not ruling it out. A I have not included that in my list of evidences or list of symptoms, but I could not exclude it on account of the poem "Tandaradei," which shows, I would say, fairly clearly to almost any reader an abnormal view or expression of sexuality, and on that account you could not rule it out.

Q Well, let us see, Doctor, assuming you are right - and I want to go over that answer again - that would be one evidence or one symptom in all of the various things you got, is that right? A I have not counted it, Mr. Murphy. I have not counted it because --

t11

Q You realize what a serious thing it is to say that, Doctor; that a person has a psychopathic personality of the abnormal sexuality type? Are you telling the jury that about this man you have never seen?

A I have said, I think twice, that I am not saying that.

Q You just don't want to rule it out of all of the different types of personality because of a poem, is that right? A I was saying that in my belief Mr. Chambers belongs to a mixed type with principal emphasis on lying, deceiving, stealing and certain other manifestations. That would make him a mixed type. I would not include abnormal sexuality because there is not enough evidence to put him in that class or even include it, and I have not mentioned it, but if you ask me whether I can absolutely rule it out I am not absolutely able to rule it out.

Q On the facts that you have and those are the only facts we are concerned with, you don't have any independent facts that have been denied to the jury?

A No.

Q You are relying exclusively on those two things, the hypothetical question and -- A Oh yes, yes.

Q You said up at Harvard you hire psychopathic personalities at a dollar an hour. How do you find

them in the first instance, Doctor? A I did not say that, Mr. Murphy. I am sorry.

Q I thought you said that you do have - maybe I can get the page - reading from page 4070:

"But for two reasons I have had some opportunity that was a little, perhaps, unusual: one is that in the college population there are a certain number of psychopathic personalities in every college population, and we have been making studies of college students over the years; and in many cases we pay them to come, we pay them a dollar an hour to come to do certain tests and experiments; and a psychopathic personality is very willing to come and be studied for a dollar an hour. He does not want to be treated because he is all right, but to be studied he will. So we have had a few cases we have been able to study in great detail."

Now, Doctor, tell us, please, how you get these psychopathic personalities to come to your clinic.

A We don't get the psychopathic personalities to come to our clinic. We go to the employment office and ask for students that would like to take part in experiments, and in the course of those experiments one of the volunteers turns out to be, to some extent, a psychopathic personality. We don't go and look for them.

Q Well, those who come at your request, are they necessarily psychopathic personalities? A Oh no. We have quite a few - I mean not many of them.

Q Not many at Harvard? What sampling have you done, Doctor? Maybe we can expand this: how many psychopathic personalities have you found in say the last year at Harvard? A I have not done any of these researches in the last year. We have just begun in September.

Q Well, when was the last time that you did?

A Before the war.

Q Well, let us say back in 1939, how many psychopathic personalities did you find at Harvard?

A That question I could not possibly answer. I did not examine the entire Harvard population and determine how many psychopathic personalities there are.

Q Maybe we could get a sample, Doctor, and then extend it by multiplying it by the number of students.

A That would not be possible, sir.

Q Isn't that sometimes done in research? You take the sample and then you extend it by multiplying it by the full total? A If you do that you have to take what is called a representative sample; that is a certain number of boys from the West and East and different ages, high schools, private schools, etc., etc., and then you get a representative sample, and under those

conditions if you have enough of them you might, with a certain degree of certainty expand that for the whole population.

We do not operate that way at all. We have a selected sample and start with that because they are the boys that are working their way through college, or at least would like some remuneration, and under those conditions we are getting only those boys who do want the money.

Occasionally we operate under other conditions, where we get some who just volunteer just for the experience. We have a great many different ways of doing it but there is no possible way of determining the percentage of psychopathic personalities at Harvard or any other college.

Q Talking about samples, Doctor, doesn't it become important to get, in order that the complete diagnosis be accurate, as representative a sample as possible? In other words if you took the boys say who are only working their way through Harvard or did your experiments and tests with them and then extended it by multiplying it by the number of students and so forth, that would not be a good diagnostic answer, would it, Doctor?

A It would be a poor way of finding out about Harvard students. We are not trying to find out about

Harvard students.

Q But I mean one of the basic concepts in psychoanalysis is the accuracy of the sample. It has to be a representative of the sample in order to come to some real good conclusion? A No, sir.

Q Any kind of a sample is all right? A It depends what you are interested in.

Q Well, Doctor, the sampling of the men, for instance, at OSS, if you took only 50 men, would that be a fair sample of what the findings were for 3000?

A I do not see your point, Mr. Murphy, but that is not what we are aiming at.

Q No, Doctor. What I want to say is just that when you take samples in order to form an opinion you have to take representative samples? Otherwise you are stacking the cards, aren't you?

A If you are trying, for example in regard to OSS, if it was my aim to make a statement about 3000 men that went through OSS, then I would have to take a large and representative sample.

For example, we examined about 800 of them as a test of the errors and validities of our methods and we thought that 800 was a fair sample out of 3000, but in the case of Harvard students we are not concerned with making any statement about Harvard College or anything

else.

Q Let us take the example you gave this morning, Hitler. I think you said that you had a fairly complete collection of all the various speeches, and the one book that he had written. Is that correct?

A I did not say it was a fair sample. I said I had all the speeches that were translated into English in a book. He must have made hundreds beyond that.

Q But you had a fairly representative sample of all of his utterings, let us say? The point I want to make there, - we won't fence about it - is we have not had enough samples of Mr. Chambers' writings? Won't you agree with that? A I would agree, as I said before, it is a small sample.

Q You did consider, Doctor, the application that Mr. Chambers made for a passport in the name of David Breen in 1935 as some evidence of his lying propensities, did you not? A That was included, yes.

Q And then I think you said that that passport application had nine false statements on it, or some figure about nine. Now do you, Doctor, in totaling the number of lies that you rely upon break down the application so as to get as many lies in each one or do you consider it as just one false act?

A Rather one false act.

Q And, Doctor, do you assume that the purpose of getting that passport, Mr. Chambers' purpose, in that name, was because he was ordered by his Communist superiors to do just that, and he was furnished by his superiors with birth certificates from which he could put false information corresponding to those birth certificates in the application? Have you assumed those facts? In other words, that he was a Communist functionary who was going abroad to set up a Communist apparatus in London under that fictitious name, do you ascribe to the fact that he made that false application any real significance if you knew those purposes?

A I would include it under lying.

Q You would? A Yes, sir.

Q Even though you assumed that it was done pursuant to orders? A I would consider that being ordered to lie is not a sufficient reason for lying.

Q Well, assuming, Doctor, that an American soldier is captured and his instructions are to give his name, rank and number, and they press him further from the name, rank and number and he lies from that point on as to where he was previously billeted, what his outfit was, and so forth, would you ascribe to that action of that soldier some symptom of a psychopath?

A It is the difference between war and peace, Mr.

Murphy, as I see it; the difference between killing a fellow American and killing an enemy in war.

MR. MURPHY: Now may I have the reporter read my question. I did not quite follow the answer.

(Question read.)

THE WITNESS: My answer was not responsive. Only to this extent, that war has --

THE COURT: I think you should answer that yes or no if you can.

THE WITNESS: All right, sir. Is that psychopathic? No.

Q It would not be? A It would not be.

Q And the reason, Doctor, is that it has behind it anyway a rational reason? A I would not put it that way. I would say it has a loyalty behind it.

Q A loyalty reason? Let us leave it that way. All right. Now when Mr. Chambers applied for the job with the Government in 1937, the WPA, when he was still a Communist, I think you told us that the false statements in that application were also evidence of lying and one of the evidences that you considered in arriving at your opinion. Doctor, if you assume that at the time Mr. Chambers did just that he was a Communist, an underground paid functionary of the Communist Party, but that he wanted to break away

from the Party and that for a period of years just prior to that he had no identity as such; he was living under fictitious names, sometimes only first names, and his purpose in getting a job with the Government was to establish himself, establish an identity, so that if he was found in a barrel some day they would know who he was other than just a man about 35, and that was his purpose in getting that job, and he went to his Communist friends and got their help, Communist friends in the Government, and got their help getting the job, but since he was still a member of the Party he could not tell all of the things truthfully, but he did tell the correct age, date of his birth, the correct city, his age, correct marital status, correct address and the other information which would lead Government investigators to his Communist affiliations he falsified. Assuming those were the facts, Doctor, would you consider that as a symptom of a psychopathic personality - that lying?

A Are you asking me to assume, Mr. Murphy, that he is a Communist at the time?

Q Yes. A And also wants to be an American citizen; that he wants two things at the same time?

Q No, not in so many words. He is a Communist, he has not broken yet from the Party.

A He is a Communist, yes.

Q But he has trouble with the philosophy and everything else about the dogma, and he plans on breaking, and this is one of the steps in that plan. It is not an overnight thing, Doctor.

A He is in conflict then. He has got two different aims there.

Q Oh no, he has one aim - the aim to break from the Party, and this was one of the definitive steps that he was going to make. In other words he had to identify himself somewhere because if he was found in a barrel of cement nobody would know who he was. And that is why he made that application.

A Well, as I understand it, Mr. Murphy, he is still attached to the Communist Party, according to your assumption.

Q Yes, as a member, that is correct. In other words it was like a soldier who was planning to desert; he still had a uniform on but he was thinking two weeks hence, five weeks hence, if "I lay the proper plans, if I get a little money here, if I can get leave," and so forth - it is all part of a plan, if he still has the uniform on, yes. Mr. Chambers was a

Communist at the time, yes, he was; but he was planning his escape, his defection.

Does that lie, then, that he made in the application have a medical significance so that you can call it a lie and from that build it as part of the symptoms of psychopathic personality?

A I would say yes, sir.

Q Although you are willing to assume, Doctor, that he had in his own mind a good and sufficient reason for lying? A You have not explained, Mr. Murphy, to my understanding why he should have maintained his loyalty to the Communist Party at the time he was making out this application.

Q All right. Let me add something, then, Doctor. Assuming that his only friends at that time were Communists, his only friends were Communists and he went to his Communist friends, who were then employed in the Government, for help; in other words, he couldn't go to anybody else, assuming that he couldn't; and assuming further he could not explain what he has been doing for four or five years. Assuming those were the facts, Doctor, would you say that your opinion would be different?

A I would say that it was a very highly improbable assumption even if I assumed them.

Q Now, Doctor, we are not going to -- A Oh.

Q -- ask you to characterize the assumptions.

A Yes. I would not change my opinion.

Q You would not change it. By the way, Doctor, you do not - I do not think you do - you do not profess to tell us that you can tell which is true and which is false with regard to statements, can you?

A Which statement, Mr. Murphy?

Q Any statement. You are not here to tell this Court and jury -- A Oh.

Q -- which part of a statement is true or which is false; that is not your province? A That is not my province.

Q Nor have you attempted to so tell the jury?

A No.

Q Nor have you explained, Doctor, on your direct examination the fact that Mr. Chambers had these handwritten notes in Mr. Hiss's writing, and which were copies or paraphrases of State Department documents that passed over his desk, and that he had the typewritten documents which were copies or paraphrases of State Department documents. You have not told the jury on your direct examination any medical explanation for that, have you?

A That is outside my province.

Q Outside your province? A Yes.

MR. MURPHY: Would this be a good time for adjournment, if your Honor please?

THE COURT: Yes. We will adjourn until a quarter past two.

(Recess to 2.15 p.m.)

- -

H E N R Y A. M U R R A Y, resumed the stand.

CROSS EXAMINATION CONTINUED BY MR. MURPHY:

slnl

Q Now Doctor, I think that in reviewing some of the evidence here I had got up to the part past the WPA application and the various lies which you say formed one of the bases for your opinion, and I think your testimony was that Mr. Chambers either here or in the grand jury had lied a number of times. Doctor, assuming that Mr. Chambers had lied in the grand jury back in October 1948 when he failed to tell that body when he was specifically asked whether or not he had any evidence of espionage, but then subsequently and after November 17, 1948, when he produced in Baltimore the papers that we referred to as the Baltimore papers, and went back to that same grand jury pursuant to its subpoena, and over a period of many days in December did, in fact, tell them of the facts of espionage and of his dealings with Mr. Wadleigh and Mr. Hiss. Do you say that the fact that he subsequently told the same body that he had

previously not told - would that have any bearing at all, Doctor, in your analysis of the facts?

A Yes, it would, sir.

Q Would it tend to lessen the rating that you would give it? A Increase it, sir.

Q Increase it? A Yes.

Q So that in your opinion as a doctor where a person does not tell the whole truth when being questioned but subsequently does to the same inquisition, that would increase the medical facts upon which you would rely in order to form the opinion of psychopathic personality; is that correct, Doctor?

A Are you asking me to assume these facts?

Q If you will, yes.

A The characteristic of the kind of lying that goes with psychopathic personality is to tell more from month to month or from year to year, and keep elaborating or stringing it out. The point about this type of lying is that if you tell everything and then no more, that is the end of the drama for the individual, and therefore there is a tendency to elaborate more and more as he goes on; and those facts, as you gave them to me, as I understand it, would tend to increase my rating on this particular kind of lying.

Q Well, assuming, Doctor, that there wasn't

this drawing out and adding to, but assuming, Doctor, that Mr. Chambers at the instance of a man named Isaac Don Levine went down to Washington within a short time after the Hitler-Stalin Pact in 1939, pursuant to an appointment made by the other man, and saw the chief intelligence officer of the State Department, Mr. Adolf Berle, and there told Mr. Berle of his knowledge of Communist infiltration into the Government but did not disclose the actual treasonable acts of people; and then assuming, Doctor, that a period of years went by, and in 1944, and, say, 1945, he told the FBI when they came to him, he told exactly the same facts; and then assume further that in 1945 and 1946 when a State Department officer went to him he repeated substantially the same facts; assume further, Doctor, that in 1948 when he was subpoenaed by the House Committee he told substantially the same facts; and assume further, Doctor, that in that same year he was subpoenaed by the grand jury and he told substantially the same facts, and not until December of 1948 did he tell the additional fact, the one additional fact of espionage - would you say, Doctor, that that state of facts that I have given you and asked you to assume would represent the description of the man that you have described as a person who keeps adding and drawing out in a sort

of a drama? It does not quite fit that description, does it, Doctor? A If you want me to not assume some of the other facts and just assume it as you have described it to me, it does not exactly fit what I have said, but I would have to eliminate a great deal to say "Yes" to that.

Q Well, assuming that you do just that, that you take my assumptions and disregard other assumptions that you find in conflict, you would have to say that it does not add up to what you have described?

A Not the way you have assumed it, yes.

Q Well, Doctor, tell us, if you will, what the facts were upon which you relied from which you said that the facts, at least as you have been assuming them, add up to a person who is gradually adding and adding and adding so that it becomes sort of drama-like? What were those facts that you assumed?

A I would say that not telling certain things that he claimed to have known until the date you said, which was December 1948, I believe, and then leading the investigators of the House Committee down to a pumpkin patch and then opening - or showing an opening in a pumpkin, I would call that a touch or a flavor of histrionic talent that one with this diagnosis possesses; and I believe that in this trial he has described certain things that were not said before

the House Committee; so I would say that there was another addition.

Q You see, Doctor, what I asked for were the facts from which you have been able to describe a man as one who keeps adding and adding and adding; and as I understand your answer, the only facts that you have told us are the fact of him leading these investigators to the pumpkin. Now, what are the facts?

A I think I mentioned two addings --

Q Tell me. A One was the adding to the - I am accepting your assumptions now - the adding to the previous facts that he had given when he testified before the House Committee. I understand that you have described that as adding; and in this trial I understand that he has added some more. There are two addings.

Q Doctor, unless we deal with facts we are going to get off into a realm that we will both be lost in. Doctor, tell us what the facts are. Instead of saying two and then some has been added, suppose we start backwards. Tell us what you say in your assumed state of facts has been added in this trial? What facts were they?

A There was the story of a trip to Pennsylvania, wasn't there, Mr. Murphy?

Q Yes, to Erwinna, Pennsylvania with Mr. Hiss.

A I think that was not described before the House Committee.

Q That is right. A That is an addition.

Q Yes? Anything else? A I think in the hypothetical question perhaps as it stands now, perhaps not; I am not sure about that. But that is an addition. That was my point.

Q Do you seriously say, Doctor, that that is an addition, to your mind as a doctor, which would cause you to say that it is the work of a man who keeps adding and adding and adding so that it assumes some sort of a dramatic significance?

A One item has no significance at all. Here is one item which together with other items would become significant. As I understand it, he was asked to give a fairly complete account before the House Committee, and here is an incident that wasn't mentioned. Now it certainly appears on the record.

Q Well, could you attribute that, Doctor, to the merely human faculty of not remembering? There is nothing medically significant in not remembering all facts, is there? A No.

Q So couldn't you, Doctor, in your analysis have attributed the fact that he did not tell the House Committee about the trip to Erwinna, Pennsylvania, with Mr. Hiss merely to that frailty which we all have of sometimes forgetting some things? A That is possible if you take eachone at a time; but it is the sum total, as I have said before, that counts, sir.

Q Yes, Doctor, but in adding up the sum total of the facts, don't you give allowance - isn't there a certain amount of give and take where you say, "Well, that is the ordinary absence of a good remembering faculty," or something like that? A Yes, sir.

Q Well, Doctor, assuming now that that recapitulation that we have been through were the sum total of the lies that you have relied upon, would that be in your opinion evidence of repetitive lying on the part of the subject?

A I would include the seven deceptions that I have mentioned and would include the other symptoms, eight or nine of them, that are characteristic of the kind of lying usually called pathological lying that is associated with psychopathic personality.

Q Well, Doctor, there is no way that I have of cross-examining you except as to these particular ones separately, and we will come to the ones that you have described as deceptions. But can we drop the ones that you have described as lies now to say that that represents the total of the lies as such; is that correct?

A Yes, Mr. Murphy.

Q And would it be correct to say, Doctor, that you do not attach as a doctor any particular finding to that group as such; in other words, you just find it as a fact and then you add it up into the sum total of all the others; is that fair?

A I consider it in relation to all the others; that I would say that 19 lies to the Government is quite a high percentage and should be taken quite seriously if other facts are correlated with them.

Q Now, Doctor, I am going to have to ask you about the 19 lies to the Government. I thought we considered the Breen passport as one -- A Oh.

Q -- and the WPA as one. Do you want to say that they represent a total of 15 or so together, so as to get 19? A You can take it both ways, depending --

Q Let us take it the way you took it. How did you get to 19? A I took the nine false statements on the passport as nine instead of one, and the five false statements

on the WPA application as five instead of one, and two oaths of allegiance to the Government when he was --

Q On each of those? One on each? One on the Breen, one on the WPA? A One on each.

Q Yes. And that is 16. A And then the three admitted lies either before the grand jury or in this trial. I think that is approximately 19, sir.

Q Well, so that if we do it the other way and merely say that the lies in connection with the Breen passport were one and the lies in connection with the WPA were another one, making two, we have two lies plus the non-telling of espionage three times before the House Committee or grand jury, and so forth. A Oaths of allegiance?

Q I have included the oath of allegiance on the Breen passport. There was the oath of allegiance in the application and one on the WPA. So considering them each as one entity, it would reduce it to five as I count it over a period of - well, you would start with the Breen application 1935, and bring it up to '48; that would be a period of 13 years, five lies.

Would you say that if you were studying a patient of your own and he or she admitted to five lies in 13 years, that you would seriously consider that as some evidence of whatever personality you finally arrived at?

A If there were five lies to the Government and it was combined with the deceptions that I have enumerated, and other facts, I would consider it significant.

Q How would you rate them? A Moderate.

Q Moderate. Now, under deception, Doctor, you told us that what was medically significant was the fact that in the Breen application Mr. Chambers used the birth certificate of a man named David Breen, and of course he was not that person. With regard to the WPA application, the withholding of information about having previously worked at the public library and the not telling them about finding the books, and the different names that he had used as a member of the Party. Don't they, Doctor, all fit almost within the other category of lying? In other words, I think you yourself said that lying, deception, and I think you used some other word, as being the genus --

A I think I used the word discrepancies between his statements and other people's statements like the public library, or between his statements to the FBI as to when he left the Communist Party, as compared to his statements here. In regard to false names, Mr. Murphy, I think that you were not quite accurate in what you said as representing what I have said. You put those false names within the Communist Party. I attach special significance to the two false names that he had before he joined the

Communist Party and the two pseudonyms, and particularly to the six versions of his own name, and I tried to make a point of the fact of the pathological liars that I have seen and known, that four false names was the highest I know. And here we have all together 14. And I think that is a factor to be taken into account.

Q How many Communist espionage agents have you talked to or examined, Doctor? A None. The fact that he had four or possibly five false names as a Communist, I wouldn't know how to judge that at all.

Q Couldn't you just disregard it, assuming it was pursuant to orders? A Pretty much, pretty much.

Q The use of the pseudonym as a pen name, do you attach much significance to that? A Just by itself, no; particularly if it was only one. If there were two, and if he either forgets that he used them -- I understand that he testified before the House Committee and also in this trial that he never used any pseudonym. That means he must have forgotten or he must have tried to conceal that fact; one of those two.

Q Assuming he had forgotten, what significance would it have? A An author assumes a pseudonym, such as Dickens or Mark Twain did, and that pseudonym becomes an important part of himself, that is associated with his writings. He does not forget it. He holds to it. It is his literary per-

sonality that he wants to separate from his ordinary everyday personality.

Q Let us see if we can break that down, Doctor.

The pseudonym "John Kelly" was used when he was in his early twenties once, and there is no evidence in the case that he used it more than once. Now do you attach any particular significance to that fact? A That he used it only once?

Q That is the evidence in the case. A And that he forgot it? Which point, sir?

Q Well, the only evidence that you have on which you are asked to form your opinion as a doctor is that once he used the name "John Kelly" on a play "Play for Puppets" when he was a sophomore at Columbia in the year 1922. Just those facts, Doctor. What medical significance do you attach to them?

A If you want me to eliminate all the others, I do not attach any significance to any single one, isolated fact, and I would say that once in a lifetime using a pseudonym for a play which you knew was going to be highly objectionable and you wanted to hide behind that name, let us say, I would not say that that was significant on the basis of false names.

Q Assuming, Doctor, then that in 1944 when he was one of the editors on Time he wrote five book reviews for

a magazine called The American Mercury, and at the request of the editor of The American Mercury he used the pen name "John Land," and although the checks in payment for the fees were payable to him as Whittaker Chambers, would you say that that had any significance, assuming that when he was asked about it he had forgotten that he had done just that? Does that have any medical significance, Doctor?

A No, by itself it has not any.

Q Now I think one of the episodes that you included, if my category is right -- by the way, you said there was some significance to the fact that when he testified before Congress he used the year 1937 as the year when he broke with the Party, and when he testified here and at the last trial he used 1938. Does that have any significance?

A I said, sir, if you pardon me correcting, that it was the FBI that he testified, according to the hypothetical question, he testified it was the spring of 1937. That was the statement I made; not to the House Committee.

Q Assuming that was the fact; that he told the FBI when they asked him if he broke with the Party in 1937, and the facts were 1938, and the FBI asked him in 1944 or 1945, whatever the year was -- A I would certainly count that as a significant fact in so far as it was a very crucial point, and the discrepancy between those two

statements I would say, taken with others, is worth considering.

Q Well, let us suppose, Doctor, or assume, that even in the House Committee when he was testifying in 1948 he used the time 1937 on a number of occasions and he used the time 1938 on at least one, right before the same body, could you say that perhaps it was merely a faulty memory, with no other significance?

A That is conceivable.

Q Now, Doctor, you attach some significance to the fact that the fact that he broke from the Party, remained in hiding for a year, and that some of the time he slept with a pistol near at hand, and that he came to New York on a couple of occasions, what is it, Doctor, about a person who has been a paid underground agent for the Communist Party who, when he breaks hides? What is the medical significance of that? Is that a normal reaction?

A Hiding after breaking with the Party? Just hiding? I would say would be normal, although I am not very well acquainted with how much you have to hide and how long. I have not heard of a great many Americans that have been shot and I think that a year's hiding, when they, according to his statements, lay awake all night, along with a gun, and you are registered under your own name so anyone could find you and you take two or three trips, that seems to me

unusual, sir.

Q Would you say this, Doctor: (1) On the question of hiding would you submit to the experience of Communists rather than your own experience as an American doctor? Would you rather take their opinion as to just how long you have to hide once you break? You have no experience as a doctor whether one month or two months is normal for that? A No, I would not know.

Q And wouldn't you rather yield to a man who has been underground and a member of the Party for a number of years as to just the quantity of time and the length of time to hide? A You mean the man who is hiding or some objective person?

Q Either or both. A A great deal of difference, sir. I mean the man himself has various subjective fears and anxieties, and he might greatly overrate the time or extent of the hiding.

Q And he might underrate it? A He might.

Q And end up in a barrel? I mean he might guess wrong? A It is conceivable.

Q Now, if there was a real, honest-to-goodness, natural fear of reprisals, would you say it would be the ordinary healthy thing to be armed? A I would not know exactly to what extent you would have to be armed every night and sleep by day. I have never heard of it.

Q And you said you have not talked to many Communists?

A No, I have not talked to many Communists.

Q Have you talked to any? A No.

Q Well, Doctor, assuming that the period of hiding was really the matter of a month or two, the actual hiding; assuming, Doctor, that when Mr. Chambers broke from the Party in the middle of April 1938 he, his wife and children, actually hid in a small place near Baltimore for a period of some weeks, and then for a month went down to Florida and got a little house near the beach or on the outskirts of town and stayed there a month, and then came back to Baltimore and bought a house and came to New York three or four times to get work, would you say, Doctor, that, assuming that the period of actual hiding was only a matter of a month or two, and then the period of being alert or vigilant lasted for perhaps a year, that that would be the natural fear of a man who had broken with the Communist Party?

A If you want me to assume those facts instead of the ones in the hypothetical question, I would say that from my ignorance of how long you have to hide, I would say perhaps six weeks might be normal.

Q It is not a question of that, Doctor, but you have had no experience with Communist agents. I think you said that Mr. Chambers sort of had a willingness to give

vent to his imagination and you cited as an example of that the Sandino story when he was editor of or working on the Daily Worker. Now, Doctor, isn't it a rather common thing for biased newspapers to slant their stories?

A Yes, I would say so.

T41p

Q And I think you will concede that the Daily Worker, a Communist paper, slants its stories?

A Yes?

Q Now, Doctor, if Mr. Chambers, as editor, built up Sandino as a hero instead of a thug, wouldn't that be following the Party line and not with any medical significance at all? A There was no indication there that he tried to find out what kind of a man Sandino was.

Q Assuming that is so, Doctor. Assuming he made no attempt to ascertain whether or not he was a thug or a hero, but the Party line was to make him a hero, and he followed the Party line - is there any medical significance to that? A There is some medical significance to that, perhaps, and that is that individuals who are prone to that kind of thing, accept such jobs and do such work willingly and eagerly, that a man who has got an integrity about the facts does not put himself into a position to lie.

Q I think you are quite correct, Doctor, but I am sure you were excluding all Communists, weren't you?

A I am not sure, sir. I don't know all Communists.

Q Well, you are excluding a great many of them?

A I think I probably am.

Q They have no regard for the integrity of the facts; but they are not necessarily psychopaths, are they, merely because they are Communists and that is one of the dogmas?

A Not necessarily.

Q Now, Doctor, you said one of the other examples of willingness to give vent to his imagination was the fact that he said Mr. Hiss had a domineering mother; do you recall that? A Yes, sir.

Q Doctor, I am going to read to you the testimony from the House Committee, page 669, and see whether in using these facts you would use that as a willingness, an example of a willingness to give vent to his imagination. At page 669, he was being examined by Mr. Hebert:

"Mr. Hebert. Did he have any other brothers or sisters besides Donald?"

They were talking to Mr. Chambers about Mr. Hiss.

"Mr. Chambers. He had one sister, I believe, living with her mother in Baltimore.

"Mr. Hebert. Did he ever talk about her?

"Mr. Chambers. Yes; once or twice, and mentioned his mother. He once drove me past her house, which as I recall, was on or near Linden Street.

"Mr. Hebert. What did the sister do?

"Mr. Chambers. I don't think she did anything besides live with her mother. Whether he had any more than that I don't know.

"Mr. Hebert. You know he referred to at least one sister?

"Mr. Chambers. He did.

"Mr. Hebert. Do you recall her name?

"Mr. Chambers. No.

"Mr. Hebert. And you don't recall what the sister did?

"Mr. Chambers. No; I don't think she did anything.

"Mr. Hebert. Did it ever come up in conversation that the sister was interested in athletics?

"Mr. Chambers. No.

"Mr. Hebert. Was he interested in athletics?

"Mr. Chambers. I think he played tennis, but I am not certain.

"Mr. Hebert. With the sister now -- it is very important -- you don't recall the sister?

"Mr. Chambers. We merely brushed that subject.

"Mr. Nixon. You never met the sister?

"Mr. Chambers. No; nor never met the mother.

My impression was his relations with his mother were affectionate but not too happy. She was, perhaps, domineer-

ing. I simply pulled this out of the air in the conversation."

Now, assuming, Doctor, those are the facts, would you say that that gives you as a doctor the basis for the statement that he was willing to give vent to his imagination?

A That is a large general category I was speaking of, and the point here is that he is willing to make a statement which he himself says he pulled out of the air. Now, that is a figure of speech. He doesn't pull it out of the air. He pulls it out of his imagination.

Q No, you didn't quite hear the whole thing, Doctor. Mr. Chambers says: "No; nor never met the mother. My impression was his relations with his mother were affectionate but not too happy. She was, perhaps, domineering. I simply pulled this out of the air in the conversation."

MR. CROSS: "in conversation."

MR. MURPHY: "in the conversation."

A "in conversation" --

Q "in the conversation." A In the conversation with --

Q I assume with Mr. Hiss. A With Mr. Hiss?

Q Isn't that rather a frank admission that he does not know but he just seems to put his finger on it somewhere back trying to recall some conversation? He says he never

met the lady; he said he thinks the relations were cordial, affectionate.

A Yes, I would say that in that whole context it appears that he is making the admission himself that he is guessing.

t5

Q Yes. Now, Doctor, in connection with the books, when they - if you assume that it was the Public Library officials who were looking for Public Library books and in searching Mr. Chambers' locker as an employee they found some books there that belonged to the Library but not the books they were looking for, and he had them there, that is the books that they did find, in violation of the Library regulations, you wouldn't necessarily say that that was stealing as such from which you could draw some medical conclusion, would you?

A I am not exactly certain about what the regulations of the New York Public Library are. If you could --

Q Assuming that the regulation said that employees shall not take books from the Library nor keep them in their locker, something as trite as that, would that mean that he stole them and, therefore, you would draw some medical significance from that?

A Not necessarily. He might have planned to return them, and I would only attach significance to it if there was evidence that he had stolen other books from other libraries.

Q Doctor, assuming that he had taken many books, 50-odd books from Columbia, and permitted the Library officials, the Public Library officials, to come to his house to search for the Public Library books, and they

came upon the many books from Columbia; and assuming, Doctor, that there was no evidence that he intended to sell those books, but assume that he was an avid reader, would you say that that would temper your judgment on the question as to whether it was evidence of stealing?

A It would give it a higher rating in my mind, sir.

Q A higher rating? A A higher rating. That is, I would --

Q How high would it get, Doctor, if he had stolen them for the purpose of selling them to the book dealers on Fourth Avenue here? A I would say that if he was a reader-intellectual, he should have more than the usual amount of respect for books and for the demand for books by other readers. And therefore stealing a book on the part of a lover of books is worse than stealing a book just to sell it.

Q Well, the fact, Doctor, that he had them doesn't that connote to you that he had respect for them, that he perhaps loved them, the fact that he had them still? That does not show disrespect of books; it might show disrespect for other men who wanted to read the same books; but it doesn't show any disrespect for books per se, does it?

A No, that was not the point I was making. The point I was making is his total lack of social

responsibility; that if he had no respect for books he would not think anyone else had respect for books and he could not understand why it would be such a crime to take books from a library. But knowing the value of books he should have known the value of books to other people and therefore been exceedingly scrupulous about not taking books.

Q Be that as it may, Doctor, he did not sell them; they were there when the officials went to get them when they were looking for something else which they did not find; and that was when he was a student at Columbia.

Now -- A Was that true, sir? They did find the books while he was a student at Columbia?

Q No, I think he was at Columbia previously. I forget the year. You mean the year when he worked in the Library? I don't know.

A The year they found the books, sir. He had left Columbia; he had been out of Columbia for a year and a half, two years.

Q Perhaps you are right. And that is when they found the books. There was no doubt that they came from Columbia; they probably had the stamp on them.

Now, if those were the only evidences, Doctor, of the concept of stealing that you had in analyzing a personality and they happened during his adolescent

period, his college, or after college, in the '20s, would you say that you would have enough evidence of stealing in making a sum total of the characteristics of this psychopathic personality but nothing more?

A He was 26 years old, sir; he was a lover of books; he had 56 books from Columbia, 8 books from the New York Public Library. That is a good deal higher than the largest number of books I have ever heard of a college student stealing from a Public Library. I would certainly think that was very significant.

Q Assuming that that is all true, Doctor, and it happened when he was 26, you are telling us now, when he is 50, what his character disorder is, and you are telling us that this is one of the symptoms that you rely on, something that took place 24 years ago. Now, if that was the only evidence that you had of stealing would you still consider it, Doctor, as one of the characteristics of this man's personality?

A One of the - I would. And the reason for that is that one of the crucial diagnostic criteria in psychopathic personality is that it is a lifelong or pretty nearly a lifelong illness. The emphasis on repetition is one of the very important criteria for the diagnosis, and therefore the fact that he conspired to steal four or five hundred State documents

afterwards would all fit in.

Q But, Doctor, my question was, and I was coming to that -- A Yes.

Q -- was whether that episode is evidence of repetitive stealing. And by itself it couldn't be; every word knocks it out, doesn't it? A I would say so, Mr. Murphy. I don't think that a man can steal 56 books at one time. Probably he has to go by a guard in the Columbia Library. He probably couldn't have stolen more than one or two or possibly three.

Q We are talking about a repetitive pattern and I am trying to prove to the jury through you, Doctor, that there is no repetitive pattern starting from the time he was 26 years old. You start off with the fact that when he was in college he took these books, or when he was out of college a short while, and he had the books - I take it he took them while he was in college - but, then, there is a long period of time. And I say, assuming that you have no evidence of stealing thereafter, can you say that you have the repetitive pattern of stealing? Wouldn't you have to say "No"; if you start off and say if there is one evidence and you have none thereafter then there couldn't be repetitive stealing? Doesn't that follow? A No, sir.

Q Let me ask it much simpler. If you have one symptom which happened 24 years ago and no repetition of the one symptom, would you say that that symptom is repetitive? A You have to describe the symptom to me. In this case, if you will allow me to explain, he went to Columbia in 1920. He left and returned, and left Columbia for good in January 1925. If my dates are correct, in 1927, seven years after he arrived in Columbia, they find 56 books. I think the probability is that he didn't steal more than one, two or three at a time, and that they were stolen perhaps during that course. There is seven years and 56 books.

Q Now wait a minute, Doctor, let us get that. The mathematics is really too much for me. You said that there were seven years and that he stole the books during the seven years; is that what you said?

A I did not make that statement. I said that that is a possible explanation.

Q Well, how possible could it be, Doctor? The man went to Columbia for two and a half years. Don't you have to limit the time, the outside times of the taking of the books to that time?

A He went for two and a half years and then he returned again in the fall of '24, didn't he?

Q No, Doctor. I think the facts are that he

went for two complete years and then returned once for the one fall term, making a total of two and a half years. He completed his sophomore year.

A That - I am sorry, that is not the way the facts are in the hypothetical question. He entered - excuse me; will you correct me? He entered Columbia in September 1920 and in the autumn of 1922, which would be his junior year, he wrote a "Play for Puppets" and it was then that he was asked to resign from his editorship of the Morningside, and then he left Columbia in January '23, which would be in the middle of his junior year, unless he had been dropped.

Q Well, without getting into the facts, and even using your facts, Doctor, it is only two and a half years at college. A And then another half year after that in the fall of '24.

Q Making three years of college. A Three years.

Q I think you have six months too much. But I think it is just a total of two and a half years of college. But in any event, whether it is two and a half or three, the outside years are the years in which he could have taken the books and not seven years. Do you say that that pattern was formed in there, assuming that he took one or two each time over a period of two and a half years, assuming that is a

fact - there is no evidence when he took them - but assuming that he did just as you say, and then, there is no evidence of stealing after that, none; assuming that there isn't, Doctor -- A Are you counting the New York Public Library in 1926, '27?

Q Yes, as part of the incident. Assuming that from 1926 or 1925, whatever the year is, up until the present time, there is no evidence of stealing after that time, you can't say that there is a pattern of repetitive stealing, can you?

A I could say that there was a pattern of repetitive stealing, and I don't know whether there is one now or not.

Q Now, what you have relied upon in your assumed state of facts is that Mr. Chambers stole State Department documents or was in a conspiracy to steal them with others, and therefore the pattern is repeating. Are those the facts, Doctor?

A That he received, yes, yes.

Q He received stolen documents? A Yes, sir.

t6

Q Well, Doctor, does it make any difference at all in your conclusion if the facts were that only two thieves stole papers and gave them to him, and he returned them overnight, either that night or the following night, and at no time were the papers ever lost or in his possession longer than that one evening, and that was only for the purpose of photographing them and returning them - would you say that that nevertheless was the repetitive symptom of stealing? Assuming he wasn't the thief.

A I would say that that went with the whole picture, that a man who has stolen in the past is inclined towards accepting assignments in which stealing is involved.

Q Well, Doctor, assuming that he accepted the assignment to be an espionage agent and to induce or conspire with the Government employees for them to get information for him as a Communist, and that they did, in fact, steal or take papers from the State Department, and give them to him - would it make any difference, Doctor, whether he had previously stolen any books or not if that was the plan?

A I don't know exactly what you mean.

Q Well, you said here is a man who was inclined to steal because he had this past history back in 1926.

A Well, he had already shown a disposition for

stealing. Therefore, if there was an assignment of a job that was offered him that involved stealing he would fit into it more easily than another man who would say "That is not my kind of a thing; I will do something else."

Q Well, Doctor, assuming that it was not for the purpose of stealing the documents but merely stealing the information, the knowing that was imprinted on the documents, and he had the active cooperation of Mr. Hiss and Mr. Wadleigh - would that change your opinion, Doctor; not stealing the books but just stealing the information so that it would, in fact, be espionage?

A That would be like stealing the books out of the Library so he could get information from the books and not caring to sell the books but getting the information from the books.

Q Well, assuming he was told to get information for Soviet Russia, and he was to pass on the information, which would be different than absorbing the knowledge which he read from the books themselves, wouldn't that make a difference, Doctor?

A That might make some difference in isolation from everything else.

Q Now you said, Doctor - I think I have the correct quote - "The recordings^{of} these acts over the years is an example of a lack of learning by experience

which is very characteristic of the psychopathic personality and not learning by experience as a result of a deficiency in consciousness and shameslessness."

Is that substantially correct, what you said?

A I said conscience.

Q Conscience? A Yes.

Q And then you gave as an example of the lack of learning by experience, which is very characteristic of a psychopathic personality, the fact that he went to Williams and stayed only two days. A No, I did not put that under that heading.

Q Did you say that he left the Party in 1937 where actually it was 1938 was an example of that?

A No, sir.

Q Supposing you tell me what you say are the facts from which you say Mr. Chambers shows a lack of learning by experience?

A That quite a few of the actions and dispositions represented by the actions that we have a record of in his 20s are also evidenced in his more recent behavior; and we have - I mentioned the lies which come up very close to the present time; the deceptions that come up very close to the present time; I am including, of course, stealing documents as coming up fairly close; and I am including the eccentric acts that have come up

quite close; and the dispositions that are shown in, for instance, "The Devil" which is 1948. And what I mean is that right through that whole period one sees evidences of the same kinds of dispositions.

Q Now, Doctor, I tried to write down what the facts were that you were telling me, and the only two facts that you said were stealing and "The Devil" - you used the words "lies, deceptions, eccentric, disposition" - you see, Doctor, it helps us if we can put our finger on what you say the facts are from which you say Mr. Chambers had not learned by experience, and then we judge, or the jury judges whether that is an example of learning by experience.

A Yes?

Q So tell us the lies and deceptions and the eccentricities - whatever the eccentric acts are - from which you say he has not learned by experience.

A Well, I will take the first lie and the last lie, if you will. The first lie was in 1924 to Dean Hawkes; the last lie was in this trial here before the grand jury. Those are admitted lies.

Q Let us analyze the last lie. What was the lie before this jury, Doctor? A In this trial here?

Q Yes. A I am not saying that it is in this trial. I said it was either in this trial or before

the grand jury.

Q In other words, if it was one fact, and it had to be true either here or in the grand jury, and he admitted it was true here and he had told a lie to the grand jury, so it is not here.

A He made the statement, as I understand it, in this trial, he said "Yes" to the question if he had lied three times, either before the grand jury or in this trial.

Q Mr. Cross said: "If that is true you either lied here or lied in the grand jury," and the witness said "Yes." A Yes.

Q In other words, it could not be true in both places. A Yes.

Q Now, you say where a man lied in 1924 and lied in 1948 that is some evidence that he does not learn by experience; is that what you say, Doctor?

A I would say - I am leaving out the things that go in the middle - I assume you don't want me to recite everything all over again?

Q I want you to name each one. A Everything we have been over?

Q Doctor, you see we can't tell whether you are accurate when you say he didn't learn by experience. You see, you have come to a medical conclusion, and

the jury is competent to determine whether a person lies, or a person learns by experience; and I want to know the facts upon which you say that this man has not learned by experience, because he has lied repeatedly. And you have told us the two outside incidents, one in 1924 and 1948. Now tell us all of the lies from which you come to that medical conclusion.

A The ones we have been over, you mean, in 1935, application for a passport - do you want me to go over those?

Q That is the Breen passport? A The Breen passport; and the application for a job with the WPA.

Q That is right. That is 1935, 1937.

A In the fall of 1937.

Q The WPA, yes. A Yes. And then at those times the oaths of allegiance before coming in.

Q They were at exactly the same time?

A And then these lies that we have just mentioned either before the grand jury or in this trial.

Q Is that all, Doctor? A On lies, yes.

Q Now, on that you have told us you have come to the conclusion because he told his faculty adviser he lied quite simply when he didn't give all of the reasons to the Dean; that when he got a false passport 11 years later on directions from his superior; when he applied

for the WPA job in order to establish an identity; and when he testified before the grand jury and did not tell about the espionage activities of Mr. Hiss in October - that represented to you a pattern of repetitive lying from which you form an opinion as a respected doctor in your profession that the man is a psychopathic personality and does not learn by experience?

A No, sir --

Q In all fairness -- A -- no, sir, I did not say that, sir.

gmn7

Q Let me see, Doctor, if we can summarize it: Is not the medical concept of repetitive lying the pattern of a boy or girl, a young man or young woman who constantly, day in and day out, ad infinitum lies and lies and lies, for no apparent reason at all, isn't that the concept that doctors have from which they form the opinion that there is a repetitive liar and he gives significance to that of being a psychopathic personality?

A You have drawn a very extreme picture. That occurs in childhood. You get that kind of picture in childhood, but I have never known that picture in an adult.

Q Do you say you have it in the adult here, Mr. Chambers, age 50, the pattern of repetitive

lying? If you do we will go to another subject.

A Look, Mr. Murphy, you are talking, as I understand it, on a statement I made in regard to learning by experience.

Q Yes. A I am not limiting myself to lying.

Q Yes, but as far as lying goes, that is what you relied upon? A Yes. I find him lying in 1924 and I find him lying within a year.

Q All right. So he does not learn by experience because of that, at least in part. Now what were the deceptions that formed this pattern of not learning by experience?

A Well, we have discussed those. The first one, which I did not include at the time I went over these, because it is a very special kind, and that was deceiving the school authorities about not reading first version and then suddenly, on graduation, by reading the prohibited version. Deceptions began shortly after that in the way of false names; Charles Adams and Charles Whittaker. And then they went on from there. We have discussed the WPA application. We have discussed the discrepancies in his statements in regard to the books found in his locker in the New York Public Library. Those are more recent ones.

Let's see: the one on the Public Library I think

that is in this trial. I am not quite sure and I think also his statement that he had not used a pseudonym and then admitting to "John Land" was in this trial, so you are coming up fairly close to the present. The class prophecy was in 1919 and here we are in 1950 now - 1949.

Q Those are the facts upon which you say there is a pattern of deception?

A I don't suppose that you want me to mention all of them. We have already been over three or four others like the discrepancies of when he left the Communist Party, and so forth. I am not --

Q You are under the category of deception. Do discrepancies fit under that? A Yes. I have lumped deceptions and omissions and discrepancies under one category and put seven instances of it.

Q And the 1937-1938 is one of the instances of discrepancies? A Yes, sir. There is a good deal else under this same category. The eccentric acts that started again --

Q What eccentric acts? Would eccentric acts be somewhat similar to bizarre? Dr. Binger used that expression, "bizarre behavior"? A Yes, sir, the same thing.

Q What are the eccentric acts? A Do you want me to go over all those again?

Q That is the only way I am going to be able to question you, Doctor. A Well, I went over them yesterday, but I will do it again: the reading the class prophecy before the various authorities who had prohibited it --

Q Now we have that under deception. Does it fall under both? A It falls under both and still under another heading. -- the going to Williams and leaving impulsively in two days and then writing a letter to some name, unknown fictitious name, and asking the letter returned to him; returning to Columbia in 1924 and saying that an unconventional partner wanted him to finish his education; taking Ida Dales under his mother's roof to live with him for a year; leaving the typewriter in the subway and saying he had done it to forget the past; the pumpkin incident, and also the way he has offered information, and --

Q I didn't understand the last; the way he has offered information? A Well, we have already been over this twice, but it is the way that at one time he gave a

small amount of information and then later gave more information; and his statement that he was dedicated to destroy Communism, does not seem to me to conform to the fact that he did not give all the information that he said he had in 1939.

Q Whether it conforms or not, it is nevertheless an eccentric act? You were giving the incidents of the eccentricities? A Yes. I assume you don't want me to repeat everything that I have said before for everybody, but I can, but I mean with "eccentric" I include histrionic and spectacular things, and the thing that a self-dramatized individual would do.

Q Doctor, you said he left Williams impulsively. Is that "impulsively" one of your own facts or have you culled that from the writings or the question? A I think that in the hypothetical question it said he left at midnight to catch a train to Troy, whereas he had just previously chosen some furniture for his room, and here is a man that apparently on one day gets furniture for a year, and then we find him on the midnight train. I think "impulsively" might be putting a little something into it. I could have changed it if I said "suddenly," "hurriedly."

Q Doctor, assuming that the facts were that he decided that Williams was not his place; that it was not the correct social order for him and his family and means,

and after being there two or three days he decided to leave, and he thought he could get some help from reading the Bible, and he forgave a dinner, supposed to be a freshmen dinner, to read the Bible and decided to go, and he left at midnight because there was a midnight train. There is nothing bizarre about that, Doctor, is there?

A I would say yes, sir. I would not use the word "bizarre" quite, and I did not.

Q You would rather use the word that that was eccentric?

A Yes.

Q Can I say this, Doctor: that even all the actions that you describe are eccentric, does it have any relevancy at all towards whether a man tells the truth or falsehoods?

A It has relevance to the diagnosis of psychopathic personality. If the man has the psychopathic personality of any degree then he is more liable to lie and less dependable in his statements. There is a high correlation between those.

Q Now Ida Dales: Assuming, Doctor, that he took Ida Dales as a common-law wife; just assume those facts by themselves and leave out the mother's home, and the year was in the 20s, and assuming that that practice was condoned by the Legislature, would you say that that was eccentric?

A No. The eccentric part is --

Q Do you mean to the mother's house? A Taking to

the mother's house.

Q Assuming, Doctor, that his mother asked him to, saying that, "I have just lost a boy, your brother, by suicide, and I don't want to lose you, and bring the girl with you." A I would say both the mother and the son were eccentric.

Q Do you know many eccentric people? A Quite a few.

Q Now, you were able to form an opinion then, Doctor, about the mother merely because she asked the boy to do that, and you had no other facts about the mother. Do you often form opinions on people with such little facts? A You forced me to give some answer, Mr. Murphy. The answer to most of your questions would be that the facts that you give me are so limited that no statement is justified, and here I have to say something. Of a number of possibilities I took the most possible.

Q In other words, Doctor, you are not now being willing to change your opinion about Mr. Chambers' mother?

A Yes. Give me some more facts about Mr. Chambers' mother and if they don't fit into her being eccentric I will change.

Q In other words, you want me to disprove it, is that right, Doctor? Like the man who said, "The moon is made of green cheese. You disprove it." Don't you want to

apologize for calling Mr. Chambers' mother an eccentric?

MR. CROSS: I submit he has not called Mr. Chambers' mother an eccentric.

THE COURT: I suggest we proceed with the next question.

Q Now, Doctor, when he used the pseudonym "Charles Whittaker" when he worked for his father during the time he got out of high school and went to college, did you say you attach significance to that? A Together with the other 13 names, yes, sir.

Q And in counting the 13 names I think you included the names he used in the Party? A I did, yes.

Q Now, didn't you tell us - was it this morning - that you did not attach too much significance to those names? A I do not attach too much significance to those.

Q And I suppose you don't attach, by itself, too much significance to the Charles Whittaker, where he did it pursuant to his father's request? A I wouldn't -- the same answer. That by itself, if it is true, that his father wanted him to have a false name, I would think that was a very unusual fact in itself. To me, I just have not known any father that asked their son to take another name.

Q Well, you heard of a man named Herbert Hoover, haven't you? A I have heard of him, yes.

Q And do you know what name his son assumed when he started to work? A No, I don't.

Q Do you know whether or not he used his own given name or do you know whether he used some other name so as he would not be riding on his father's reputation? A No, I can see what the answer is, but I don't know it.

Q But you would not attach any significance to that? Wouldn't it be rather praiseworthy for a young man to do that?

A He had a special reason in - his father had a special place, a special distinction. Was that true for Mr.

Chambers' father? I didn't know.

Q Yes. His father was a sort of boss in an art department of an advertising company and young Mr. Chambers came to work there in his father's section of that advertising company, and at his father's direction he used his mother's maiden name so as not to be accused of nepotism or favoritism. Wouldn't that have some significance, Doctor, to which you could say, "Well, there isn't much to that"? A Those are the --

Q Assuming that they are. A Oh, assuming that those are. That would make some difference.

THE COURT: Mr. Murphy, I think it is pretty close in the room. We had better take a recess.

(Short recess.)

(Jury not present.)

THE COURT: One of the jurors reports that she is not feeling well and would like us to adjourn.

(The jury came into the courtroom.)

THE COURT: Mrs. Condell.

THE FORELADY: Yes.

THE COURT: I understand you sent a message that one of the jurors is not feeling well.

THE FORELADY: Yes. Mrs. Feinstein isn't feeling well. She is under the doctor's care. She has a very bad cold.

op

THE COURT: Yes. So I think we had better adjourn.

THE FORELADY: Well, I don't know whether --

THE COURT: Do you think we should adjourn?

Do you feel badly?

JUROR NO. 5: (Mrs. Feinstein) If it is not too much. I have been to the doctor last night; he really didn't want me to come in today, but I did not want to disrupt the court.

THE COURT: You feel badly, do you?

JUROR NO. 5: I feel very badly.

THE COURT: I think we had better adjourn until Monday, don't you?

THE FORELADY: Yes, I think so.

JUROR NO. 5: Thank you.

THE COURT: Then we will adjourn until Monday morning.

THE FORELADY: All right. Thank you.

THE COURT: We will adjourn until Monday morning at 10.30.

(Adjourned to January 16, 1959, at 10.30 a.m.)