



Case Files, General Index, and Briefs
of the Supreme Court and the Court
of Appeals

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A That is right.

Q And what were you paid?

A Four dollars; four silver dollars.

Q Now, you understand, you are entitled to gold and silver coin under state law?

A Do you really want to go into that now?

Q Yes, I do.

THE COURT: I don't see where it is material to this hearing, even if you think that is what you are entitled to.

Q You don't mind discussing it, do you?

A No, but I think you would do better to stay away from it.

Q You have thought that for quite some time, isn't that right?

A Right.

Q If you are not satisfied with that tender--

A I am satisfied; I am here, Mr. Daly. If there is something I can help you with, I would be glad to help.

Q You and I have had our disagreements?

A They have only been disagreements on the law though; I like you.

Q Well, I think you have the feeling that I like you, too, isn't that right?

A That is right, but we do have some differences.

Q Right. Now, I have been before you on this income tax matter?

A When you signed your returns and sent in blank returns. All you did is sign them and send them in in blank and I held you in contempt, without a hearing; in fact, almost at your invitation. It was sent back from the Court of Appeals with instructions that you should ask specific questions and give specific answers.

The issue was that you had refused to answer the questions of the Internal Revenue agent and they then asked me, the United States Attorney asked me to hold you in contempt for your failure to answer.

And so, I did hold you in contempt, without really much of a hearing and almost at your invitation. Later, I was reversed and instructed to ask you specific questions. I did ask specific questions of you.

They were asked of you and you refused to answer and each one of those questions, I held might incriminate you and you were not required to answer under the Fifth Amendment. That terminated that and I have the file here if you would like.

Q In any event, I believe, wasn't that mail fraud trial going on in Bismarck at this time, the first contempt hearing?

A I really don't recall, Mr. Daly; I believe you might

have come back from Bismarck, from the trial of the American Allied case at that time.

Q In any event, you indicated that you might have to find me in contempt or might have to jail me, isn't that right, at that time?

A Certainly.

Q And I told you, if you feel like finding me in contempt, that is what I wanted you to do and I wanted a stay so I could take an appeal?

A Right, right. As far as I am concerned, that proceeding should not be of record or held against Mr. Daly; because it was improper and it was so ruled by the Court of Appeals and it is mute as far as that aspect of it is concerned, I would think. I can't tell you how to rule on it, Judge Odden; but it seems to me it is just another nothing.

Maybe if you could ask me, I could help you to summarize.

THE COURT: There is a record he was looking for in regard to Horne.

Q The case of Horne versus Federal Reserve; do you recall the first case I started against the banks?

A Yes, I recall you sued the banks and certain of the judges, didn't you? At first, I am not sure how many judges you joined, but--

Q I am talking about the first one, starting in 1963.

A Was I United States Attorney then; was it started

during that time?

Q Yes, I think that is right.

MR. DAVIS: What are you looking for, Jerome?

MR. DALY: The exhibit.

MR. DAVIS: The opinion?

MR. DALY: The record in that case.

THE WITNESS: If you ask me, I may admit; you wouldn't even have to present the record.

MR. DALY: Here, I have it right here.

Q Well, before we start, you asked to protect you at the outset and I want to do that and I might say, I have taken the position there was a conspiracy behind the killing of John Kennedy. And if there is any question that I may want to ask, I might warn you right now, there may be some questions I may ask, which might tend to incriminate you, under state or federal law. And with that thought in mind--

A You go ahead; I am aware of my rights.

Q Now, I want to read you a statement; you were the United States District Attorney at that time, were you not, for Minnesota?

A I believe I was, yes.

Q And I am going to read you a statement and ask you if you know anything about it. Mr. Sidney P. Abramson argued it on behalf of the government.

A. He was my assistant.

Q. He was your assistant at that time?

A. Yes.

Q. Well, now I want to show you; this is a transcript of the argument that he made before the Court, before the Honorable Dennis F. Donovan on February 19, 1964, and I want to show you in the transcript, from about the middle of the page down to two-thirds of the way down, to the bottom of Page 31; the middle of Page 30 down through 31.

A. (Witness reads transcript.) I have that in mind; what is the problem?

Q. Well, --

A. I have no knowledge about it; I have no way of agreeing or disagreeing with it.

Q. Do you know anything about a conspiracy to murder John Kennedy?

A. No. If you want my conclusion, there was no conspiracy. And if you want my advice, you ought to stay off from it.

Q. Why?

A. I think there might become a point you could get to be a good lawyer, if you would get those things off your mind.

Q. Do you think it would help me to be a good lawyer?

A. Yes, to stay off that and the monetary system and try your case like the last one before me and you could be a

useful member of the bar.

Q The day you jailed me, when I mentioned gold and silver coin?

A Yes, yes, go ahead now. I don't know anything about a conspiracy to murder the President; I don't believe there was one and if you want me to help you try to explain some specific instances of what have been alleged to be misconduct, I will give my version of it.

I will volunteer my opinion to Judge Odden and the Supreme Court; that if there was a way to knock you down to size and to contain you, you could be a good lawyer.

And I think you know how; you just have too much fun being a bad boy. And sometimes, it is kind of cute and there are some of us that laugh at them. In the end, you end up in trouble and your clients suffer and you suffer.

Now, go ahead and ask me something else.

Q Why do you think I have to be knocked down to size?

A Because you would never behave in my courts, until after you came into jail. And after you came out, you acted like a good lawyer and a gentleman and agreeable and very fine.

I only say that, because that might have a bearing on what the Court might want to do with you at a later time. I personally think that if you would just be brought to helm, that you could be a serviceable member of the bar.

I don't know anybody you stole from or anybody that you

cheated; you are cheating yourself and trying to make a bad name for the courts. And if you act in the name of the courts as a lawyer, then you are hurting the court and the client and yourself by your foolishness.

Q Well, now, let me ask you something in all seriousness now: Don't you, by the way, do you feel friendly towards the Constitution of the United States or unfriendly?

A Oh, I feel quite friendly toward it.

Q Do you think that a lawyer has to take an appeal to be able to get a judge to follow the United States Constitution?

A You should be more specific about that; every judge should try to follow it, of course; but he can't follow your version of it; because you take what you take to be your view and it is a warped view of the Constitution.

Q I do?

A Yes.

Q And can you get more specific?

A No, in the absence of a specific question, I couldn't.

Q What about the prohibition against a state that no state shall make any Thing but gold and silver Coin a legal Tender in Payment of Debts, what about that one?

A I can only say, that has been adjudicated after a full hearing and you have been ordered not to make that contention any more by a federal judge. And I am going to

follow his ruling, until I am reversed and I think it is wrong for you to persist in it and unhealthy.

Q Are you going to follow Justice Mahoney's rulings, until he is reversed?

A I will wait until we find the final tribunal, where Justice Mahoney appears.

Q I think he already made the appearance on August 22, 1969; he died.

A Yes, I know that; that is what I was referring to; but you know that, let's not go into that. I will go into it; but I am trying to steer you into some of the things that might be helpful to you here. I am your witness, remember?

Q I understand that; but I dislike my witness steering me around. What do you think about that?

MR. DAVIS: That is objected to as immaterial, Your Honor.

THE COURT: Sustained. Let's ask specific questions.

THE WITNESS: Now, Judge, if I am answering these questions wrong; I would like you to tell me. I look upon my role here as genuinely trying to be helpful and most important, helpful to Mr. Daly.

THE COURT: I don't have the vaguest idea why Mr. Daly is bringing you here today; until I know that -- because we haven't even had a question on

that yet.

Q Well, I filed affidavits saying you had harbored a prejudice against the Constitution of the United States and a bias in favor of its overthrow, isn't that right?

A You may have filed such affidavit; but they have never influenced my judgment of you as a person or as a lawyer.

Q Oh, I understand that; but this is one of the complaints in the accusation, is I am filing affidavits of prejudice that are totally unfounded.

A Well, I think that they are in that instance.

THE COURT: I think that the position that you have taken is because Judge Lord has interpreted the Constitution in a different way than you do.

MR. DALY: Oh, no; that isn't right.

THE COURT: Let's ask the Judge a question and see what you do think.

Q Have you ever read the Tenth Article; Article One, Section Ten of the United States Constitution?

THE COURT: Would you read it to Judge Lord; not many of us have memorized the Constitution from beginning to end.

A What does it have to do with, Mr. Daly, I may remember it. Having to do with the coining of money and so forth?

Q Yes.

A I know what your contention is with regard to that. There is no use asking me questions about it; because I must be guided by Judge Roy Stephenson; he has adjudicated, after a full hearing; he said you shouldn't talk about it any more and now you are here being punished or disciplined or somebody is trying to contain you from doing it and you persist even now in talking about it.

Q In violation of his order right now?

A Yes.

Q If I dream about it; am I in violation of his order?

MR. DAVIS: It is objected to, Your Honor.

THE COURT: I don't think you are in violation; this is not an adjudication; it is a hearing.

Q There is Article One, Section Ten, on the top of Page Forty. By the way, we should have this marked in evidence.

(WHEREUPON, Respondent's Exhibit UU was marked for purposes of identification.)

Q By the way, Respondent's Exhibit UU is a copy of a brief in support of a Writ of Prohibition, which was attempted to be filed in the Supreme Court of the United States and it was served upon you approximately July 5, 1968, isn't that right?

A If you say that is right, I will accept that.

Q Well, now, you don't have to accept that, I mean does it?

THE COURT: It is a copy of the transcript of what?

MR. DALY: A copy of a brief.

THE WITNESS: When I was proceeding to preside in the trial of a mail fraud case, Mr. Daly applied to the Supreme Court for a Writ of Prohibition and he stated many reasons why the Supreme Court should issue a Writ of Prohibition. And as a part of his submittal, I am not sure if it was a brief or moving papers, he put in various aspects of the Constitution. He is now referring me to Page Forty of that brief and Section Ten of Article One, is it not? And go ahead, please.

I am taking the liberty of making this summary, in order that the record make some sense and you can get it in context.

Q In the days of United States versus Anderson, I filed that brief in the United States Supreme Court?

A Yes.

Q And my contention was that the criminal rules of criminal procedure, enacted by the Supreme Court of the United States by court order for the United States District Courts, are unconstitutional and void, isn't that right?

A That is right. I remember that at one time, you made that contention. I am not sure it is in there; but if

you say it is, it is.

Q Did you read it?

THE COURT: Do you mean today?

MR. DALY: I mean previously.

A At another time, I reviewed it.

Q I want to talk about this provision first though.

A Very well, go ahead.

Q Now, it states in there that no state shall make any Thing but gold and silver Coin a Tender in Payment of Debts, isn't that right?

A Yes.

Q Do you see the word Thing is capitalized?

A Yes.

Q That makes it a proper noun, does it not?

A I am not a grammarian; I will have to leave that to Judge Odden to decide; I can neither admit or deny it. I have a good secretary and law clerk that help me with big problems like that.

Q Do you have a dictionary in your office?

A Is it necessary?

Q I mean, there is a serious question here; these gentlemen, I assume, are serious in the petition that they brought and, of course, I have been serious in my position.

A I have not bothered to interpret this section; I follow Judge Stephenson's rule on it.

Q Well, I have already told them I don't intend to follow that order and I am going to stand my ground. So, I want you to go back--

A I will say this to you: You will follow it in my court or you will be thrown in jail and if a few other judges would do that, they could help you a lot and help you to practice law like you should.

Q All right, let's go back to Article One, Section Ten.

A Go ahead.

Q In no state shall make any thing and the word thing is capitalized?

A Yes.

Q And it says, but gold and silver Coin, and coin is capitalized, is it not?

A Yes.

Q And it doesn't say gold or silver, it says gold and silver coin?

A Go ahead.

Q Coin is in the singular?

A Yes.

Q And then there is a and then tender is capitalized, is it not?

A Yes.

Q And payment is capitalized, is it not?

A Yes.

Q And debts is capitalized?

A Yes.

Q Now, are you of the opinion that Congress can authorize this state officially to violate that provision?

A I would be of the opinion that any laws passed pursuant to that, that are still on the books and are still being followed, are not a violation of it.

Q Well, now, are you of the opinion, it says no state shall grant a title of nobility. Do you think that Congress can make you king of Minnesota?

A Well--

MR. DAVIS: I fail to see the relevancy to this question and I object to it.

THE COURT: It is sustained.

Q Do you mind talking about it?

A There is nothing to talk about.

THE COURT: It is still sustained, whether he minds or not; it is irrelevant to this hearing.

Q So, as I understand it then, you are of the opinion that Congress can pass a law making some thing, other than gold and silver coin, a tender in payment of debts?

MR. DAVIS: Objected to as calling for a conclusion of the witness and immaterial.

THE COURT: Sustained.

Q Now, let's talk about these rules of criminal

procedure for awhile. After Anderson was arraigned and prior to the time that he was tried; if I remember right, I made a motion in the United States District Court to dismiss the indictment on the grounds that it didn't conform to the criminal procedural statutes of the state of Minnesota and upon the ground that the Federal Rules of Criminal Procedure were unconstitutional and void. Do you recall that?

A. Something along that line, yes.

Q. Judge Larson denied the motion and then I filed this application for prohibition with the Supreme Court of the United States, isn't that right?

A. I would guess that that is the truth.

Q. Now, the effect of that Writ of Prohibition, had that been granted, it probably would have had to toss open the doors of all these federal penitentiaries and tell them to dress up and leave?

A. I can't predict what that might have done.

Q. Well, from the procedural aspects, though, if those rules of criminal procedure are unconstitutional, it is true that half of the men in the federal penitentiaries are there illegally, is that right, at least?

MR. DAVIS: Objected to as immaterial, not bearing upon any issue in this proceeding.

THE COURT: Jerome, it is irrelevant and immaterial to this proceeding.

MR. DALY: Well, of course, if that is your ruling, fine.

Q That was one of the bones of contention between us, before you jailed me, isn't that right?

A No, that really didn't count. The attack on the rules of criminal procedure was not any part of the certification of contempt, which must, by now, be a part of the record here.

MR. DAVIS: It is in the record.

THE WITNESS: What I had talked to you about was about whether or not you were going to attack, try and subpoena Hubert Humphrey and make some big political conspiracy out of that little mail fraud case and whether or not you were going to call in his friend, Dwayne Andreas, and make a big conspiracy out of that.

Those things, you had threatened to do and I overruled you; but that, I don't believe, is a part of the Certification of Contempt. I think, as I recall and it has been maybe a year now since that time, that what I had really admonished you on several occasions not to do, was to refer to the monetary system.

Q Federal Reserve, the unconstitutionality?

A Yes.

Q Was a copy of that order ever served upon me?

A Oh, yes, it was; at my best recollection, I handed it to you. I made it up almost the same day, while you were in jail. I made it up and had it ready for the next day.

Q I am not talking about the night I stayed in jail over here; I am talking about this so-called pre-trial order.

A Oh, the record is replete with that; there were oral statements to you warning you not to do those things; they are in the record, every one.

Q Is it not a fact, that your either oral or written statement was that I couldn't talk about the unconstitutionality of the Federal Reserve System and the national Banking System?

A Right.

Q And the World Bank?

A I think that is, too. Well, I know those are included in it, yes.

Q But there was nowhere in your order that stated that I couldn't talk about what was legal tender and what wasn't?

A I wouldn't refine it that much; it all encompassed the same thing and you knew what we were talking about then and you know now and I wish you would stop it. It just makes me sick to see a lawyer ruin himself, like you are doing.

Q But the point is, I took the position that what I was talking about, the afternoon you jailed me, was not encompassed by any order that you had made.

A I took the position that it was encompassed by it.

Q And it was not?

A You see--

Q I am talking about my position.

A Mr. Daly, I can tell when you take that turn and head down that route and though you may have just been starting to plow ground, I knew where this furrow was going to end up and as you recall, it was on your second or third question that I jailed you. And there was no serious contention on your part at that time that you were not disobeying my order.

Q But the point is, I started to talk about the United States Constitution and that is when you jailed me.

A Well, you were talking to a banker and asking him what kind of money he was issuing, yes.

Q No. Now, just a minute, he said he had seventy thousand dollars on deposit there and I asked him what he meant by a dollar, isn't that right?

A That is right. There we started on the broken record again.

Q And you blew up and summoned the marshall?

A I didn't blow up; I sent the jury out and summoned the marshall.

Q This appeared in the newspaper the next morning or that afternoon?

A I am not sure about that; it may have; but the jury

didn't read it.

Q One of the jurors said that he read it.

A Well, what are we getting at now?

Q The point is, it didn't help Anderson's chances of getting a fair trial.

A Anderson is not on trial here though, Mr. Daly.

Q I know, but I am.

A I know, I know that. It might not have helped him; I took the position that he had a fair trial and that it didn't influence him and I specifically gave instructions to the jury, any differences you or I may have and I gave the chance to ask for a mistrial; but go ahead.

Q You also were sitting in the face of an affidavit of prejudice, isn't that right?

A That is right.

Q And it was one that Anderson had signed?

THE WITNESS: Could I ask you a question and maybe I could answer, Your Honor. Is one of the allegations that go into this hearing, toward his disbarment, the propriety of my having imprisoned him at that time. I don't object to that; but is it one of the allegations of the bill of particulars that you were put in jail? Of course, you do have the Certification of Contempt.

Q That is one.

A All right, I see. I am looking at Page Five of your petition, is that called a petition?

THE COURT: If you look at Page Three under Paragraph Two.

MR. DAVIS: Well, specifically, Your Honor, at the bottom of Page Five, the petition and accusation recites that on April 28, 1969, Judge Miles W. Lord, United States District Judge, entered a Certificate for Contempt for violation of the prior injunction of the district court.

THE WITNESS: Go ahead; my question is answered.

MR. DALY: I think the Judge is, too, really.

THE COURT: I really and truly don't believe though that under the question asked by Judge Lord, that the propriety of the Court's order is in question. What is involved in Paragraph Two is the persistence of Mr. Daly.

MR. DAVIS: After the order of Judge Stephenson.

THE COURT: To pursue a position that has already been ordered by you or any judge to cease and desist on the issue. He ignores the same order, without appealing therefrom and continues to

proceed under a theory of law; which, as Mr. Daly has insisted upon informing this Court, that he still believes this.

And the Court has told him, he may believe it; but under our court system, he is bound by the order of the court until that court order is set aside by appeal or by direct order of that district court judge or that judge. And I think that is what is at issue; not the court order involved in the Anderson case.

MR. DAVIS: I don't think we are litigating the contempt proceeding in this trial.

THE WITNESS: The allegations in the order of contempt, I would adopt them as my testimony in terms of how many times he tried to raise the issue and how many times I had told him not to do that. I haven't read that preparatory to coming here; they do add to the instances where Mr. Daly has persisted.

Q (By Mr. Daly, continuing) Let me ask you this: Do you think that that Federal District Judge can issue a blanket restraining order stopping me from raising the issue with any other client in any other case?

MR. DAVIS: Your Honor, I object to that as immaterial. What Judge Lord thinks about what some other Judge has done is not material to the issues.

THE COURT: May I ask this question:
Under the federal system, do you have the right to review
another federal district judge's order?

THE WITNESS: No, basically not under
these circumstances.

THE COURT: I have no right as a
District Court Judge to review another district court
judge's order.

Q Something puzzles me. This was made in a case,
Alfred M. Joyce versus Northwestern State Bank of Appleton
and quite a number of others and I was an attorney in the case.
Is it you gentlemen's position on the federal bench, that
order stops me from raising the issue in any other case in
the court house?

MR. DAVIS: Objected to as not the
best evidence; calling for a conclusion of the witness
and immaterial.

THE COURT: If the Judge can answer
that question, I will permit him to answer. Not as to
what you gentlemen think, but as to what you think.

A I think that effectively stops you, as an officer
of the court, not as an individual. If you were being
prosecuted for a criminal case, you might raise it, just as
you are here. This is a quasi criminal proceeding, as I take
it; you are raising it here and you are talking about it and

you are not being held in contempt or anything for that; but here, I have another document here from Judge Frank.

Q Wait a minute, I want to get down to something specific here. As an attorney, can I raise the issue for a client, if he directs me to do it, other than Alfred Joyce?

MR. DAVIS: Following the issuance of the order?

MR. DALY: Right.

A I would say that you could not and if the client insisted on doing it, you should let him hire another lawyer, besides Bill Drexler or your old friend, Joyce.

Q What is wrong with Drexler?

A I shouldn't have brought it up, that is another chapter.

Q What is wrong with Joyce?

A The record will have to speak to them in regard to that.

Q Let me ask you this: Carl Anderson appointed Alfred Joyce as his attorney at law and in fact, in a criminal proceeding, isn't that right?

MR. DAVIS: Your Honor, that has no relationship.

THE WITNESS: Yes, I shouldn't have brought that in.

THE COURT: Do you know, Judge Lord,

if Mr. Anderson did appoint Mr. Joyce?

THE WITNESS: I believe he did.

MR. DALY: Yes, he did.

THE COURT: Just a minute.

THE WITNESS: I believe that Mr. Joyce did try to make an appearance in my court and I ignored it, because I knew he had been disbarred and in the federal court, there was a slight question as to whether or not we had used due process in disbarring him.

We, arbitrarily, had accepted the state's procedure and when I looked at that, at what I thought might have been a constitutional defect in our procedure, we revised our rules; but nevertheless, I didn't allow Mr. Joyce to appear and he didn't take much exception to that.

Q Well, that has been another bone of contention over there, especially in the federal court. It is my claim, you don't have to be a lawyer to appear for a defendant in a criminal proceeding, isn't that right?

A Well, we haven't taken that position.

Q I say that has been my claim.

A I guess that has been your claim, yes.

Q And I have claimed under the First Amendment -- by the way, let me ask you something previous to that. As a federal judge, you have a right to instruct; you have a duty

to instruct a jury upon the law and it is discretionary for you to comment upon the evidence if you see fit, isn't that right?

A Yes.

Q As a federal judge?

A Yes.

Q And in a criminal case, you can comment upon the evidence as you see fit?

A Yes, but we do that rather sparingly.

Q I am talking about what you can or cannot do.

A Yes.

Q Now, that gives you a right in effect to make an argument?

A The theory is that it is not an argument, but it could be construed to be that. You, of course, have to tell the jury they needn't follow your argument.

The federal judges have traditionally had much more discretion than state judges and can actually make an argument.

Q To the jury.

A And if they stay within proper grounds; they wouldn't want to be reversed for it.

Q You remember Judge Bell, who used to be on the federal bench?

A What does that have to do with it?

Q You recall him bragging to the lawyers about the

last case he tried against them?

A I don't recall that.

Q All right, well, now here is what I am getting to; There you are sitting on that bench, with the right to make an argument, and it is your position that you have the right to tell the defendant who he can have and who he can't have as his attorney, isn't that right?

A If a man is properly admitted to the bar, we would accept him as attorney. We don't take the position that we have a right to tell them that they can or can't have a particular lawyer.

Q Will you talk a little louder?

A We don't take the position that we can tell a man that he can't have a lawyer, who is in good standing.

Q Well, at least out of the citizenry of the United States, you tell him what group he has to select his advocate out of?

A Well, I have said if there is a lawyer that is not in good standing, we couldn't and wouldn't accept him.

Q Out of the citizenry, you tell him of what group of people, limited to lawyers?

A That is right.

Q But he can go in and defend himself?

A He could use somebody as an expert witness.

Q He can go in and defend himself?

A. Yes.

Q. But he can't select his own agent?

A. Unless he is admitted to the bar. The rules require, you know, we don't let him in.

Q. And you gentlemen make the rules to determine who is going to be admitted to the bar and who is not?

A. No, there are the laws of a parent or someone in that position that wanted to represent someone.

THE COURT: I think the federal district court doesn't determine who is going to practice law in the state of Minnesota. Only upon application, they may set and determine who is going to practice before the federal courts.

THE WITNESS: Yes, yes.

Q. Well, say I have been suspended or disbarred, before I can get back and practice before the federal court, I must come before you gentlemen and answer any questions that you might want to ask?

A. There is a procedure for that set out in the rules, yes.

Q. Let me ask you about something further. This Article One, Section Eight, Clause Sixteen of the United States Constitution; would you say that that court house over there, the United States Court House, is a necessary building?

A. Well, I would sooner have a big one in Midway, if

that is what you mean. I am not sure it was necessary; but it is there.

Q Well, it says Congress shall have the power to exercise exclusive legislation in all cases whatsoever over-- it goes on to state the District of Columbia; Erection of Forts; Magazines; Arsenals, dock-Yards; and other needful Buildings. So, Congress has the power to exercise exclusive legislation in all cases whatsoever over the federal court house, if that is interpreted right, isn't that right?

MR. DAVIS: That is objected to as immaterial and irrelevant.

THE COURT: It is immaterial. What materiality, as to whether or not Congress has the right to determine whether that building is going to be here or not, is that to this hearing?

MR. DALY: It has this much materiality; I claim that they have no business telling a citizen who he can bring in to defend him and who he can't. I think that is the citizen's business.

MR. DAVIS: What materiality is that to the issue?

MR. DALY: You asked me when you had me on the witness stand, didn't you ask me if I thought that I could practice under the power of attorney?

MR. DAVIS: Yes, I did.

MR. DALY: Well, it has that much materiality.

Q (By Mr. Daly, continuing) I have had that position, have I not?

A I really don't remember. I think you had that position when you said Joyce could file a power of attorney and appear as counsel for one of those men you defended in the mail fraud.

Q Carl Anderson?

A Was it?

Q Yes.

A And I wouldn't accept that.

Q Well, I know; but Anderson accepted him though.

A I guess that is right.

Q And you wouldn't allow Joyce to sit at the counsel table?

A No.

Q Isn't that right?

A Right. Could I ask you a question now?

Q Yes.

A You have great difficulty, with me, proving that I am hostile to you; because I am really not. In effect, I have done things that you didn't like, but now why don't--

Q I didn't say that; I said you were hostile toward the United States Constitution.

A. But there are some ways in which I could be helpful to you. I am here as your witness. If you asked me about your courtroom decorum, I could answer that and say you have been, by and large, a gentleman and that you have been friendly and humorous and that you have ability as a lawyer and that the way you are acting, it makes it a sad case for a man to waste so much talent and personality and actual ability as a lawyer in the courtroom.

Your presence, with these things, which are as sickening to watch as you go along this route, and I am not sure that there is any way that you could be deterred in doing this, other than having each judge, having the state issue some rule and the first time you violate it, have the judge throw you in jail. With about three or four such rules, you might be able to practice law.

One, that you keep national conspiracies out of your case. I understand you have a subpoena out for poor old Hubert Humphrey.

Q That is right, poor old Hubert Humphrey; do you think I will abuse him?

A. But if it gets in the newspaper he is there, the damage is done; that is the only problem.

You have nothing in the world to talk to Mr. Humphrey about.

Q The damage is almost done there at Mylai on the

16th of March of 1968.

A. What was that specifically?

Q. The massacre at Mylai.

A. If you want to talk about the Vietnam war -- but if you were told not to talk about the great national issues, except the rules of procedure and except the Federal Reserve System and the Constitution as interpreted by the Court and except legal orders; you might be able to practice law.

I think it looks kind of hopeless; I wouldn't know what to do, except to disbar you and see if you would come back in a few years and behave yourself.

Q. Do you really think they should disbar lawyers that want to talk about the United States Constitution?

A. It depends upon how they talk about it; after they have had a fair hearing and the whole thing has been resolved against them a number of times, at least one time should be enough for most lawyers. You might raise a new one and that might be decided; but it comes a time when the lawyers should obey the courts' admonishment and you have since gone beyond that time.

THE COURT: I think we are getting far afield; Judge Lord has a jury case going on and I don't want to hear a dissertation on the Vietnamese war or Mylai; that is not before this Court today.

I would be happy to sit with you tonight and talk

about the Vietnamese war; because my opinion and your opinion isn't going to mean a thing or anything here.

MR. DALY: I can't talk to you, unless this gentleman is present.

THE COURT: Well, what I would like to do is get on with this hearing; so we can get back and conduct any business we have.

MR. DALY: Well, he said a quarter to three.

THE WITNESS: I still will stay with you and that jury can wait, if there is something I can really help you with that bears on the issue.

Q (By Mr. Daly, continuing) I know you have been trying draft cases over here; the kids that have been refusing to go to the service?

MR. DAVIS: Objected to as immaterial.

THE COURT: He may answer the question.

A Yes, yes.

Q And when you sentence them, these kids come in and fill the courtroom on occasion?

A Yes, and they are always nice and orderly; I haven't had any trouble with them yet. They are good kids.

Q But I mean, there is a general protest movement going on in the United States?

A That is right.

Q Now, what do you think about the constitutionality of this draft? What do you really think? Do you really think the United--

MR. DAVIS: Objected to as immaterial.

THE COURT: Sustained.

Q The Supreme Court of the United States has never ruled on it, have they?

THE COURT: May I say why I sustained the objection; because regardless of what Judge Lord thinks about the legality of the draft; you are not going to agree with it and maybe I won't agree with this, Mr. Daly; but it is irrelevant and immaterial to this hearing.

MR. DALY: Well, sometimes it helps to clear the air.

THE COURT: Yes, oh, yes; it will. And maybe you people would like to discuss it after work tonight. Let's stick to this hearing.

MR. DALY: He wants to be helpful to me and I want to be helpful to him.

THE COURT: What you two want is irrelevant and immaterial. I want to proceed with this hearing and finish it and I want to give you every opportunity to ask those questions pertaining to the petition filed in here by the Practice of Law Committee.

I don't want to get into something that is totally irrelevant and immaterial in this hearing.

(WHEREUPON, Respondent's Exhibit VV was marked for identification.)

Q I want to show you Respondent's Exhibit VV, which is one of the Providence Church Plan bonds for Ridge Lutheran Home with Carl Anderson's signature offered in evidence or a similar one, as offered in the mail fraud case. Do you recall that?

A Yes.

MR. DALY: I want to offer it in evidence and ask the Judge a question about it.

THE WITNESS: I know more about this than this tribunal does; maybe we could make an offer of proof on it and you wouldn't have to clutter up your record.

MR. DALY: It is all cluttered up now any way. What difference does it make?

MR. DAVIS: Your Honor, this appears to be a certificate number six for a thousand dollars, the Providence Church Plan, Inc., is that the same as Ridge Lutheran Home?

MR. DALY: Well, that is the bonding plan; Ridge Lutheran Home, Inc., has their name on the bone; it is a sample.

MR. DAVIS: Dated January 1, 1967, signed by Carl R. Anderson, President of the Corporation, and Eugene W. who?

MR. DALY: Linse, Jr.

MR. DAVIS: As secretary, containing three coupons in the amount of thirty dollars, marked void across them. Do I understand, Counsel, that this is a copy of those certificates that were issued by the Ridge Lutheran Home, Inc., and that were associated with the proceedings involving Carl Anderson?

MR. DALY: Yes.

THE WITNESS: Yes.

MR. DAVIS: I have no objection.

Q (By Mr. Daly, continuing) For purposes of this Question, another thing that came up at the mail fraud trial, was that on the due date, the bonds are payable in lawful money of the United States of America at the Midway National Bank of Saint Paul, Minnesota, and that was another issue that came up in that trial?

A That is the one you tried to raise, yes. Well, you did raise it, that was an issue.

Q I claimed that it was not possible to pay off these million and a half worth of bonds in the present monetary system?

A Right. You tried in the pretrial to raise the

issue and I told you, you could raise anything about where it was to be paid; but it was legal tender as far as you were concerned and you shouldn't raise that issue.

Q And another issue I raised was the constitutionality with reference to the First Amendment, the First Amendment prohibition against any state making any law respecting an establishment of religion. And I claimed that the Religious Non-profit Corporation Act aided in the establishment of religion and it was unconstitutional and void.

A And I didn't accept your version of that.

Q Now, Hubert Humphrey is a friend of yours?

A A very good friend.

MR. DAVIS: Objected to, Your Honor, as immaterial.

THE COURT: Sustained.

Q Is that right?

THE COURT: I don't think we need to go into that. Is there any reason why?

MR. DALY: Well, all right, that is all the questions I have. Did I offer in evidence Respondent's Exhibit UU and is it received?

THE COURT: No, it isn't.

MR. DAVIS: No objection.

THE COURT: Received. You did offer the certificate and that is received.

THE WITNESS: If I might, maybe I should not volunteer; but I had brought correspondence from Judge Johnson in New Orleans, who has complained about this same thing and I had conversations and complaints from Judge Duncan, when you represented Mr. Guy (phonetic spelling) down here in Missouri; I will give you the whole thing.

MR. DALY: I would like to have that.

THE WITNESS: And I received complaints from another judge over in Michigan, what was his name? He was the only Jew on the Michigan -- Lawrence Gobolt (phonetic spelling) of Detroit; the only Jew on the Michigan court and Mr. Daly attacked the Jewish conspiracy. I would like to leave it with you, with Mr. Daly and you together, so I don't lose them; some are official. They are Mr. Davis's and yours together.

MR. DAVIS: Well, I think we have had testimony about most of this.

MR. DALY: I would just as soon that it go in.

THE WITNESS: I don't think you want all these.

MR. DALY: Yeah, there is nothing I said--

THE WITNESS: If you will come to my

office, we will mark them, copy them and give them to you; so we can put them in.

I thought you might use it to cross examine me; since we are through, I will get these copies, at least the relevant parts.

MR. DALY: You don't have anything with reference to the hell I have raised with the judiciary in this state or any other one?

THE WITNESS: I told you a witness shouldn't volunteer.

MR. DALY: I can appear in your court tomorrow morning; you would attempt to follow the law?

THE WITNESS: If you follow my instructions; otherwise, you will appear in the fourth floor of the Hennepin County Jail.

MR. DALY: How long are you going to leave me there?

THE WITNESS: It depends upon how long you have to stay there. Am I excused, Judge?

THE COURT: You are excused. What are we doing with the file?

THE WITNESS: I will take them back to my office and if he wants all the exceptions, he can get it.

MR. DALY: I would like to see it.

THE WITNESS: It is all available to
you.

MR. DALY: Mr. Hentges.

HUGO P. HENTGES

being first duly sworn, testified

as follows on behalf of the

Respondent on:

DIRECT EXAMINATION

BY MR. DALY:

Q Your name?

A Hugo P. Hentges.

(WHEREUPON, Respondent's Exhibit WW
was marked for purposes of identification.)

Q Showing you what has been marked as District Court
File 19144; First National Bank of Montgomery versus Jerome
Daly; is this the file that is in the Scott County District
Court office?

A Yes, it is.

MR. DAVIS: What is the Exhibit Number?

MR. DALY: Exhibit Number WW.

THE COURT: And your occupation?

THE WITNESS: The Clerk of the District

Court of Scott County.

MR. DALY: Pardon me; I wished to ask you that.

THE COURT: And this file has been in your possession, that Mr. Daly is talking about?

THE WITNESS: Yes.

MR. DAVIS: What is the exhibit number, Counsel?

MR. DALY: WW.

MR. DAVIS: We will stipulate to WW's receipt in evidence as the official court file of the Scott County District Court and will agree that the file may be returned to the Clerk of Court and a photocopy, with a certificate indicating that all of the contents are present, may be substituted in place of the original file; since it is my understanding that your rules do not permit you to deliver for receipt, the original record.

THE WITNESS: That is right.

MR. DAVIS: That, you must maintain in your office?

THE COURT: In the file of what?

MR. DALY: First National Bank of Montgomery versus Jerome Daly.

THE COURT: That is Exhibit WW; are you

offering it?

MR. DALY: Yes, in evidence.

THE COURT: Is there any objection that the file return with Mr. Hentges and that a certified copy be made of each entry in the file and that that file be offered?

MR. DAVIS: Your Honor, I don't even require, if someone will photostat the contents of the file and attach the certificate that these are the contents; I don't see any need to require certified copies.

THE COURT: No objection then?

MR. DALY: Now, I have no objection to that.

Q (By Mr. Daly, continuing) I wanted to ask you one further question. The First National Bank of Montgomery attempted to take an appeal on this case?

MR. DAVIS: That is objected to, Your Honor, as falling outside the necessary scope of this witness's knowledge.

THE COURT: If he knows, he may answer.

A From the Justice Court?

Q Right.

A Yes, they did.

Q And the First National Bank of Montgomery gave you

two paper one-dollar bills to give to the Justice of the Peace?

A. That is right.

Q. And then did they forward you a check for twelve dollars for payment of your fee?

A. That I don't remember; the fee was paid.

Q. But they left with you two paper one-dollar bills for tender?

A. Whether or not they left them, I don't know. The two-dollar bills are in the file.

Q. To tender to the Justice of the Peace?

A. Yes.

Q. And Justice Mahoney refused the tender?

A. He didn't make a return.

Q. He was in your office and refused the offer?

A. No, he wasn't in my office.

MR. DALY: Okay, that is all the questions I have.

THE COURT: Mr. Hentges, you will take this file back to Scott County and why don't we take a short break and you can inventory the file. You may not want everything in there.

MR. DALY: I think I have a couple more questions to ask.

THE COURT: Do you want to take a recess and look at the file, Mr. Daly? Do you want to

inventory the file first?

MR. DALY: Yes.

THE COURT: Why don't you step down and we will take a fifteen-minute recess.

(WHEREUPON, an afternoon recess was duly had at approximately three o'clock p.m.)

* * * * *

THE COURT: Mr. Daly, did you have an opportunity to review that file and see what you wanted to introduce or do you want the file in total?

MR. DALY: Well, I want to introduce it in total and I also wanted to ask the witness a couple more questions.

Q (By Mr. Daly, continuing) Were you there when Mr. Mellby came in to perfect the appeal?

A I don't remember that.

Q I notice in the file there are two federal reserve notes. One, issued by the Federal Reserve Bank of San Francisco, a note marked L12782836 and the other one from the Federal Reserve Bank of Minneapolis, Minnesota, marked I80410697A. And those are the same two notes that have been in the file all the way along, is that right?

A Yes.

MR. DALY: And I want to offer the whole thing in evidence.

MR. DAVIS: Are you requesting that copies be made of those Federal Reserve notes?

MR. DALY: Would it be possible for you to do that?

THE WITNESS: I could do it, if it is permissible, yes.

MR. DALY: I want a copy of the Federal Reserve notes.

MR. DAVIS: Your Honor, I am not acquainted with the statutes involving the copying of money.

THE COURT: You mean you haven't memorized the Federal Statutes yet?

MR. DAVIS: I haven't memorized the Federal Statutes yet and I don't know whether it is appropriate for the Clerk to make copies of those Federal Reserve notes or not.

THE COURT: Let's promise him some immunity. I don't think they will prosecute you for the purpose of this hearing.

MR. DAVIS: I understand Mr. Daly has investigated the problem and does know how such copies can be made and if made in that manner, they would

not be in violation.

MR. DALY: It is my recollection, they can be made by an official of the state or a federal official in connection with his work and they can be made by a private citizen, if after it is made, there is written across them "Void Specimen Only." So that there is no intent; that is the only thing, is you have to get around the question of whether you intended--

THE COURT: I think for the purpose of the hearing, the Federal Government isn't going to prosecute you. But, I think you should review that file and do you want the whole file introduced, Mr. Daly?

MR. DALY: Yes, I think with the serious nature of the charges, I would just as soon have the whole thing.

THE COURT: The Court will ask you to return the file to Scott County and reduce everything to photostatic copies and mail the same to me at Duluth, Minnesota.

THE WITNESS: Okay.

THE COURT: Are you going to need that file for any of the witnesses that you are going to have?

MR. DALY: No, but I have extra copies in the Daly Eagle and the majority of the photostating will be with that; it will save him a lot of work.

THE COURT: You have given me a copy and we have introduced a copy. You mean the Daly Eagle, you gave me a copy.

MR. DALY: All right, wherever that that appears in the file, I think we can agree that he doesn't need to copy that; because we have already got that.

MR. DAVIS: What I would suggest, Your Honor, is that after the time of the hearing, after it is concluded; Mr. Daly meet with Mr. Hentges and go through document by document, what he wants copied, in addition to the material that is already in evidence as part of the Daly Eagle and Mr. Hentges copy only those documents, which Mr. Daly suggests he copy.

THE COURT: All right, that sounds like a good suggestion and the Court will then order that that be done and Mr. Daly, I will put that obligation on your back to see that it is done and forwarded to me.

Are there any other questions of Mr. Hentges?

MR. DALY: No, that is all the questions I have.

THE COURT: I guess that is all. Mr. Daly will be contacting you in reference to the file and you can review it with him and send only the copies he asks for. Please send it to me in my chambers in

Duluth.

MR. DALY: I believe we also wanted to mark this.

MR. DAVIS: Is there any part of Judge Lord's file now that you want introduced in evidence?

MR. DALY: I want this one.

MR. DAVIS: Will you undertake copies then, Mr. Daly?

MR. DALY: I will stop back this afternoon and see if he wants copies made.

MR. DAVIS: That is what he requested when on the stand.

(WHEREUPON, Respondent's Exhibit XX was marked for purposes of identification.)

MR. DAVIS: Your Honor, for the record, I assume that copies of these documents are to be supplied by Mr. Daly at his expense.

THE COURT: Pardon me?

MR. DAVIS: I assume that copies of the documents, which Mr. Daly is introducing into evidence, are to be supplied at his expense.

THE COURT: What copies now are you talking about?

MR. DAVIS: Well, we have had one

District Court file, which has been copied, which is exhibit number -- a Federal District Court file, Respondent's Exhibit JJ. We apparently now are having documents from the Scott County District Court file and copies of materials from the files, which were furnished by Judge Lord.

THE COURT: Is the Clerk of the Federal District Court asking that they be reimbursed for these copies?

MR. DAVIS: He is here; I don't know. Mr. Eckley, are you requesting that you be reimbursed for the copies that you made of Respondent's Exhibit JJ.

MR. ECKLEY: I am not sure, Mr. Davis. I made it up at the request of Mr. Massey and if we are, I know how much it is.

MR. DALY: I will take it back to him, Lord's file personally.

MR. DAVIS: May I have that, Counsel? I have been instructed by Judge Lord to give it to Mr. Eckley and he will return it to Judge Lord.

MR. DALY: Okay, that is fine.

THE COURT: And you will instruct them as to what copies you want of what documents.

MR. DALY: Yes. I will stop back and see him and tell him what I want.

MR. DAVIS: May the record show, I have delivered Judge Lord's file to Mr. Eckley.

MR. DALY: Mr. Eckley, will you take the stand please.

MR. DAVIS: It is understood, Your Honor, we were to have a motion at this time.

THE COURT: Well, are you going to be long with Mr. Eckley?

MR. DALY: No, I don't think so.

WILLIAM H. ECKLEY

being first duly sworn, testified
as follows on behalf of the
Respondent on:

DIRECT EXAMINATION

BY MR. DALY:

Q Your full name?

A William H. Eckley, E-c-k-l-e-y.

Q You are Assistant Clerk of the United States District Court?

A Chief Deputy Clerk.

Q And you brought, pursuant to subpoena, the file in the matter of United States versus Carl R. Anderson?

A I did.

Q And there was originally three defendants, isn't that right?

A That is correct.

Q And Carl R. Anderson was convicted of twenty-three counts of mail fraud?

A That is correct.

Q And there were some proceedings had in which Mr. Alfred Joyce -- or Carl R. Anderson caused to be filed a power of attorney appointing Alfred M. Joyce as attorney for Carl Anderson?

A I might say, I have a personal recollection of it; whether it appears in the record or not, I imagine it does.

Q Did you bring those files with you, with the power of attorney in it?

A I have the files here and I haven't had time to check them, so--

Q Let me see them. (Witness hands file to Mr. Daly)
Did you bring also your clerk's dockets with you?

A I did.

Q Is there also a docket inside the file?

A I am not sure whether there is or not, Mr. Daly. There is what they call a file wrapper content sheet in each wrapper.

Q Now, there was some dispute, as I understand it, about papers not winding up in the Court's file, is that right?

A Well, I don't know of any dispute.

Q What do you recall with reference to that?

A Well, I recall at one time, I think there was an affidavit of prejudice, which had not been filed, which Judge Lord had in his office.

Q How did that get there?

A That I couldn't say; I don't know. I suppose you brought it in--

Q Were you ordered by Judge Lord not to file papers in the file?

A No.

Q But to bring them to him directly?

A I don't remember.

Q Possible that you were though?

A I doubt it; but it is possible.

Q Well, I want to offer in evidence Folder Two; will it be possible for you to have them photograph this?

MR. DALY: I think this is germane to one of the issues here; I want to offer it in evidence, just this one folder.

(WHEREUPON, Respondent's Exhibit ZZ is marked for purposes of identification.)

MR. DAVIS: For the record, Your Honor, with respect to Respondent's Exhibit ZZ, I have no objection to the receipt of that exhibit in evidence,

providing that Counsel will agree to furnish copies of the exhibit at his expense.

MR. DALY: That seems reasonable.

THE COURT: These are official files of the United States District Court?

THE WITNESS: Yes, Your Honor.

MR. DALY: What does it cost per page to have something copied over there?

THE WITNESS: Fifty cents.

MR. DALY: Well, the thing I was interested in mainly -- well, I want to offer it in evidence and I will go back there to the Federal Court-house this afternoon and show them what I want copied and attempt to pay them.

THE COURT: Any objection?

MR. DAVIS: I have no objection.

THE COURT: It will be received.

MR. DAVIS: The same stipulation will apply with those exhibits, Your Honor; that I have no objection to receipt of copies of the exhibits, provided by Counsel and paid for by him.

THE COURT: All right, with that understanding, they will be received as to those portions that Mr. Daly feels are necessary and pertinent to his case.

MR. DAVIS: No objection.

THE COURT: And forwarded to me in my chambers in Duluth.

MR. DALY: All right, then Respondent's Exhibit ZZ you can keep, Bill.

Q I want to ask you something, you received a letter from a Timothy G. Hogan, United States District Judge from the Southern District of Ohio, 801 Post Office Building, Cincinnati, Ohio, indicating that he was enclosing an article, which was referred to in argument on our motion docket last Monday. If the United States District Court passed on any question in the described litigation, I would like to have a copy of the applicable order or memo. Also, I would like to obtain a copy of Justice Mahoney's opinion. Would you be good enough to forward this letter for me to the appropriate court as a request for it. Thank you for your assistance. Timothy S. Hogan, United States District Court from Ohio.

You wrote back to him on July 18th. His letter was July 16th and you wrote him back on July 18, 1969 stating:

Honorable Timothy S. Hogan, Judge, 801 Post Office Building, Cincinnati, Ohio. Dear Judge: This letter will acknowledge receipt of your letter dated July 16, 1969, regarding Justice Mahoney's opinion, finding our present Federal Reserve Bank funds unconstitutional and illegal.

In as much as the Justice is only a Justice of the Peace

for Credit River Township, Scott County, Minnesota; it is possible that said opinion has no great legal value and there would be no good reason to Xerox a hundred and four page opinion on fifty-two sheets.

However, if you desire said opinion, please let me know and we will prepare and forward same to you at once.

Yours truly, William H. Eckley, Chief Deputy Clerk.

You wrote that back to him?

A I did.

Q By the way, I don't know one way or the other, are you an attorney yourself?

A No, I am not an attorney; I hold a law degree; but I am not an attorney.

Q You have never been admitted to practice?

A Never been admitted to the bar.

Q You have acted as United States Commissioner over there on occasion?

A I was Commissioner for, I think about fifteen years.

Q Now, United States Commissioner is more or less like a referee in or -- strike that. What are the duties of a United States Commissioner?

A The duties of a United States Commissioner are many and varied; but mainly, it is to determine whether a crime was committed and whether probable cause exists, that is about it.

Q In setting bail?

A Well, that is incidental and issuing warrants and setting bail; I haven't acted as a United States Commissioner since about 1964.

Q How long were you a United States Commissioner?

A From about 1948 or '49 until about a year or two after I became Chief Deputy Clerk.

Q And actually, as United States Commissioner, you performed judicial functions then?

A Well, I would say quasi judicial functions.

Q Right, and you are not admitted to practice law and never have been?

A That is right.

Q Now, you objected to Carl Anderson having Alfred M. Joyce to defend him, on the grounds he wasn't admitted to practice law?

A I didn't object to him.

Q Didn't you make a statement to me to that effect?

A I might have made a statement to you; but he had been disbarred to my knowledge.

Q What statement did you make to me?

A I really couldn't recall.

Q What is your best recollection?

A I have a recollection that I might have said something; but what I said, I have no recollection of.

Q And you are also of the opinion that Justice Mahoney's opinion, finding the present Federal Reserve Bank funds unconstitutional and illegal, isn't of much value, is that right?

A Well, that was merely a statement I made; the letter speaks for itself.

Q Well, if he is right, it really shouldn't make any difference if he is down there as a Justice of the Peace of Credit River Township or on the Supreme Court of the United States, isn't that correct?

MR. DAVIS: Objected to as immaterial what this witness feels is correct or not correct.

THE COURT: Sustained.

MR. DALY: I believe that is all the questions I have.

MR. DAVIS: I have no questions, Your Honor.

THE COURT: I guess that is all, Mr. Eckley. You may step down.

MR. DALY: I will stop over and get the parts of the file that I want.

THE WITNESS: All right.

MR. DALY: I have a subpoena for Hyman Edelman and Hubert Humphrey.

THE COURT: And Mr. Burkard is here.

(WHEREUPON, Mr. Burkard was sworn in by the Court.)

MR. BURKARD: Your Honor, I want to point out for the record, I am not here to give evidence or be a witness; that the purpose of being here is in the nature of a motion to quash the subpoena that is out for service and as far as I know, it has not been served upon Hubert Humphrey. My law office is Chestnut, Jones, Brooks, Kennedy and Burkard and we are representing Mr. Humphrey in regard to this.

We don't think that there is any relevancy to any testimony that Mr. Humphrey would give at this hearing. We don't see where it has any probative value for any determination of any issues at this hearing and we feel that it is proper to come before this Court and to move to quash that subpoena, unless there is a showing by Mr. Daly that there is some need or some probative value, some relevance and materiality to the testimony that will be given.

We feel that a subpoena process should not be used indiscriminately as a shotgun technique or for whatever political or philosophical motives one may have, unless it has relevancy.

We think it is proper for a motion to quash and we think this Court has the power to do so.

I think it is necessary that an offer of proof of some kind be made by Mr. Daly or that the motion to quash be granted.

MR. DALY: Well, it is my position, I don't have to make the offer of proof until the witness appears on the witness stand.

THE COURT: As I said before, I haven't memorized the Minnesota Statutes in cases. Do you have any law to support your position; statutory law or cases?

MR. BURKARD: I don't, Your Honor, but if I returned to the office and if this will be in process, I will see what I can find.

THE COURT: When was Mr. Humphrey served?

MR. BURKARD: As far as I know, he has not been served. We became aware of it in the office and through my partner, Jack Chestnut, who is unavailable to be here. And he called me to make this appearance, which I am doing.

MR. DALY: How did he become aware of it?

MR. BURKARD: I don't know that. I assume there is a subpoena out for Mr. Humphrey, as you just stated. To my knowledge, it has not been served;

although, it well could be. I don't think that is in issue; whether or not it has been served.

MR. DALY: Well, is there any way you can get him over here?

MR. BURKARD: There is no way that I can.

THE COURT: Well, let's look up some law, Gentlemen.

(WHEREUPON, a recess was duly had at approximately three-thirty p.m.)

* * * * *

THE COURT: I think for the record, I will ask Mr. Daly when was this subpoena served? Did the Sheriff serve it?

MR. DALY: Yes, about eight-thirty this morning, I think.

THE COURT: At what time? At what time did you serve this?

MR. DALY: I left it with the Sheriff about eight-thirty or nine o'clock this morning.

THE COURT: The Sheriff of Hennepin County?

MR. DALY: No, no, Ramsey County. As I understand it, he lives in Ramsey County, doesn't he?

MR. BURKARD: I don't know.

MR. DALY: He teaches at Macalester College.

MR. BURKARD: That is my understanding.

MR. DALY: I left it. I called the operator and the operator indicated his address and gave me a phone number. And the address is 1600 Grand Avenue in Ramsey County. And I left the subpoena with the Sheriff down there and they said they knew him and would serve him.

THE COURT: Well, our problem is I don't know whether there was proper or improper service.

MR. DALY: Well, I might say this: Mr. Burkard is here to test the subpoena and asking the Court to have me make an offer of proof to the Court as to why the witness is needed and whether his testimony will be relevant to these proceedings.

Where does the law say I may have to make an offer of proof?

THE COURT: I can only say, I don't know; that is the exact question I asked Mr. Burkard, who represents Mr. Humphrey.

He just received notice of this and is not prepared to show me any law. So, I have asked Mr. Burkard to return tomorrow morning and produce either some law or

Mr. Humphrey.

MR. DALY: I think that is the best thing.

THE COURT: And you tell me Mr. Humphrey is due to leave on a speaking engagement?

MR. BURKARD: Yes. I don't know, he may have already left. And I don't know the exact location and I apologize to everyone that I don't know whereabouts; but I do not. It is my understanding he is on a speaking engagement tonight and it is somewhere out of the city. And for all I know, it may be out of the state; but we do have the problem, if he has not been served at this point, whether or not service will be effective.

MR. DALY: All I can say, I am in no hurry and before I rest, I want to call Mr. Humphrey and Hyman Edelman.

THE COURT: Has Mr. Edelman been subpoenaed?

MR. DALY: I left the subpoena in the Sheriff's office; but I am in no hurry. If this has to be continued until it is convenient for you to come back and hear the evidence I want to elicit, --

THE COURT: It is going to be continued until tomorrow morning in any event and we will see.

And I will ask you to be here tomorrow, either with some law to substantiate your position or to have Mr. Humphrey with you.

MR. BURKARD: I will do my utmost to do both. What I am doing is advising the Court as to whether or not Mr. Humphrey will be here. I certainly will know of his whereabouts when I reappear in court.

THE COURT: I think the Court can be accommodating and Mr. Daly and Mr. Davis. I don't want to bring him back from a speaking engagement in Johannesburg, South Africa, to return to a subpoena.

We can continue this thing to a date that is convenient; but if he is in the city, I would expect him to respond to it, unless you can show me some law that substantiates the position that you are taking in this regard.

MR. BURKARD: Very good.

MR. DALY: Very well.

THE COURT: We will recess until tomorrow morning at nine-thirty.

MR. DALY: How about Mr. Edelman?

THE COURT: Do you know whether he has been served?

MR. DALY: I will check with the Sheriff's office. I left two silver dollars with the

Sheriff, together with some of this phoney Federal Reserve paper money that he said he would accept for his own fees for service on Mr. Edelman.

THE COURT: If he isn't here tomorrow, we better find out why.

MR. DALY: All right.

(WHEREUPON, Petitioner's Exhibits 98 and 99 were marked for purposes of identification.)

MR. DAVIS: Before we conclude this evening, I have had marked Petitioner's Exhibits 98 and 99.

Petitioner's Exhibit 98 purports to be a photocopy -- not very readable, I am afraid -- of defendant's requested instructions in the case of First National Bank of Montgomery versus Jerome Daly.

And Petitioner's Exhibit Number 99 is a partial transcript of the deposition of--

MR. DALY: I don't think it is a deposition; it is testimony.

MR. DAVIS: Excuse me, testimony taken from Justice Martin V. Mahoney and appearing before Arlo E. Haering, Judge of the District Court, for the First Judicial District, on the 24th day of January, 1969.

THE COURT: Is there any objection to their receipt?

MR. DAVIS: It is my understanding that we have agreed they may be received.

MR. DALY: That is right.

THE COURT: They are received, without objection.

MR. DALY: Let the record show, Respondent's Exhibit F, I have withdrawn and I am going to copy it.

(WHEREUPON, court adjourned for the day at approximately four-fifteen p.m.)

* * * * *

Wednesday, February 18, 1970
Approximately 9:30 a.m.

(WHEREUPON, court was reconvened and the following proceedings were duly had:)

(WHEREUPON, Respondent's Exhibits AAA and BBB were marked for purposes of identification.)

MR. DALY: Do we have a copy of the accusation in this matter?

THE COURT: That is just what I wanted to get.

MR. DALY: We call Mr. Humphrey.

HUBERT H. HUMPHREY

being first duly sworn, testified
as follows on behalf of the
Respondent on:

DIRECT EXAMINATION

BY MR. DALY:

Q Will you state your full name for the record please.

A Hubert H. Humphrey.

Q And you reside where?

A My legal residence is Waverly, Minnesota.

Q And your occupation?

A Professor.

MR. DAVIS: Your Honor, at this time
I would like to move the Court to compel Counsel to
make an offer of proof, indicative of the kind of
evidence he expects to produce in this proceeding from
this witness.

In my investigation of this case and in the preparation of the petition and accusation, I have reviewed a number of elements of the problem and have found no element in which Mr. Humphrey can give any relevant evidence. And I would like an offer of proof from Counsel at this time.

MR. DALY: Well, I wonder, before I ask him any questions, I would like to make a statement to him myself.

THE COURT: Well, I will permit that, Mr. Daly, for you to make the statement; but I am going to honor the motion made by Counsel.

MR. DALY: I understand, that is what you indicated in chambers.

Yes, I will do that.

Q (By Mr. Daly, continuing) Now, are you here today pursuant to a subpoena?

MR. DAVIS: Your Honor, I have made a motion and we are asking questions at this point. I want Counsel to make an offer of proof.

THE COURT: You said you wanted to make a statement. I think he is here and the record will show you did obtain from the Clerk, a subpoena that was served upon Mr. Humphrey.

MR. BURKARD: Your Honor, may I interrupt. Mr. Humphrey is appearing voluntarily; service or process of subpoena has never been made to Mr. Humphrey. He is appearing with respect to the Order and suggestion the Court made.

THE COURT: There is a subpoena outstanding for Mr. Humphrey?

MR. BURKARD: That is our understanding; although we have no record on it.

MR. DALY: Is it all right if I make a statement?

THE COURT: Yes, I will permit you to make a statement. A statement and question, Mr. Daly, are two different things.

MR. DALY: Well, I am going to make an offer of proof; but I want to make a statement.

THE COURT: All right.

MR. DALY: I was admitted to practice law by the Supreme Court of Minnesota or granted a license by them on May 14, 1953, and in the United States District Court in February of 1964 or 1954.

Now, over the years, acting as attorney for citizens of this state and of several other states, pursuant to what I considered my rights as a citizen, under the First Amendment to petition their government for redress of grievances; I filed a petition and complaint in the United States District Court.

Now, on the 17th day of September, 1969, the State Board of Law Examiners, signed by Kenneth M. Anderson, as President, and Herbert C. Davis, as attorney for the Petitioners, which is this gentleman here (indicating), filed an accusation dated September 12, 1969, accusing

me of certain conduct, which was unprofessional and the relief that they seek is that I no longer have the right to appear before the courts of this state or the courts of the United States or any other state; to exercise my rights, under the First Amendment, to appear with other citizens; to petition my government for redress of grievances.

They allege certain complaints that state I have been guilty of misconduct and they state in part:

Since the year 1963, Mr. Daly has been involved as litigant and counsel in a number of cases espousing that the National Banking Act of 1864 and the Federal Reserve Act of 1913 were unconstitutional; that the Constitution requires that gold and silver coin are the only legal tender; that Federal Reserve notes issued by the authority of Congressional Act are not legal tender; that by reason of these contentions, mortgage obligations, income tax statutes, and all other transactions involved in payment, other than by gold and silver coin or certificates redeemable in gold and silver coin, are unconstitutional exercises enacted by the legislative and enforced by the executive and judicial branches of the state and national governments; that such contentions have been forwarded by Mr. Daly in a number of cases; that in each of such cases

these contentions have been ruled invalid; that Jerome Daly persists in these contentions, despite declaration of courts with competent authority in opposition to his position.

A review of such cases is as follows: In 1963, Mr. Daly represented plaintiffs in the case of Horne, et al, versus the Federal Reserve Bank of Minneapolis, in the District Court of Minnesota, District Court File Number 3-63-332 Civil. This case is reported in 277 F. Supp. 225 (1964) and the decision of Judge Donovan of the District Court was affirmed by the Eighth Circuit of the Court of Appeals in 1965 in Opinion published in 344 F.2d 725.

On March 14, 1966, Daly represented certain plaintiffs in the case of Wildanger, et al, versus the Federal Reserve Bank of Minneapolis, et al, the United States District Court File Number 4-66 Civil 83, restating the same position. A summary judgment was granted by Chief Judge Devitt by order dated July 18, 1966.

Mr. Daly brought an action in which he represented Alfred M. Joyce in the District Court of Minnesota for the Eighth Judicial District, Chippewa County, on this same subject.

During the pendency of that action, an action was started on behalf of Mr. Alfred M. Joyce in the United

States District Court on July 11, 1966, against Commodity Credit Corporation of the United States and others.

In each of these instances, findings were entered in opposition to Plaintiffs' case.

Actions have also been commenced in Mr. Daly's behalf and in the name of Alfred M. Joyce in the District Court for the State of Minnesota, First Judicial District, Scott County; Justice Court of Credit River Township, Scott County; and on behalf of plaintiff, Leo Zurn, in the United States District Court.

All of these cases also involved the claims above recited and in each of these cases, except those cases before the Justice Court of Credit River Township, judgments were entered for the defendants in the form of a dismissal of the action or a summary judgment therein.

This question has been presented to the Court of Appeals for the Eighth Circuit and the position of the United States District Court in the District of Minnesota has been sustained.

The Court of Appeals in the case of Bernard E. Koll versus Wayzata State Bank et al, stated the following: At best the complaint represents a euphoric harrassment of bank officials, lawyers and federal courts. It is difficult to accept that the complaint has been drafted by a person licensed to practice law.

In connection with that, I would like to state that two out of the three judges on the Circuit Court of Appeals were stockholders in banks and members of the Board of Directors of banks, that made that remark.

And that such activity on the part of Mr. Daly was permanently enjoined by Order of the United States District Court on June 20, 1968, as follows:

ORDERED, ADJUDGED AND DECREED that the preliminary injunction heretofore granted and issued orally by this Court herein on the 3rd day of May, 1968, and affirmed in memorandum and order of the Court dated June 17, 1968, be and the same hereby is made perpetual and permanent and that the plaintiff Alfred M. Joyce and his attorney, Jerome Daly, are permanently enjoined and restrained from continuing, commencing, or prosecuting any suit, action or proceeding, either in this Court or in any court, state or federal, upon any claim arising out of any claimed transaction between the parties hereto at and prior to the date of this Order, of any claims regarding unlawful creation of money and credit, or an attempt to relitigate the same cause of action, and matters previously determined in respect to the same subject matter, or based upon any right, question or fact previously decided by this Court on March 16, 1967, and by the decision of the State District Court, Eighth

Judicial District, at Montevideo, Minnesota, decided on March 14, 1966.

Despite such order, Jerome Daly did continue to prosecute actions involving the questions of the constitutionality of the Federal Reserve System, National Banking System, Treasury Notes, creation of credit by such banks and other related issues in the United States District Court; the District Courts of the State of Minnesota and the Justice Courts of the State of Minnesota.

That on April 28, 1969, Judge Miles W. Lord, United States District Judge, entered his certificate for contempt for violation of the prior injunction of the District Court. That the repeated and persistent effort of Jerome Daly to litigate and relitigate the questions determined in the various cases involving these questions, has caused substantial expense and effort to the litigants involved as defendants in those cases, without justification; that continued litigation of these issues amounts to the practice of barratry and maintenance, crimes at common law, and demonstrates the utter disregard of Jerome Daly for the authority of the courts of the United States and the State of Minnesota.

That such actions are prosecuted for purposes inconsistent with those purposes established by the Constitution of the United States and the State of Minnesota,

to provide a tribunal for the redress of wrongs, the enforcement of laws and the determination of real disputes.

MR. BURKARD: Your Honor, may I be heard? I am Joe Burkard, and Jack Chestnut and William Kennedy are here representing Mr. Humphrey.

As we talked in chambers, there is a time problem with Mr. Humphrey; he has voluntarily come to this proceeding. All that Mr. Daly has read is part of the record in this case and I think the Court has the power to limit his statement to material facts in some way.

We could be here listening to a recital until late this afternoon.

THE COURT: I think this is true. You are not going to read the whole petition, are you, Jerome?

MR. DALY: No, just the parts that I claim and the facts that I want to claim; I think out of fairness to this gentleman, he should know what is going on. He may very well be asked questions, which might tend to incriminate him under either state or federal law. And I think he should know his rights and I think he should know that he has the right to refuse to answer them if he so desires.

THE COURT: How much more are you going to read?

MR. DALY: Just a minute, I will look it over.

Where is that exhibit that I started; this gentleman was a defendant in a suit that I acted as attorney on behalf of Alfred Joyce. I wonder where that is at?

THE COURT: Where is the exhibit?

MR. DALY: Yes.

THE COURT: All of the exhibits are in the drawer that I showed you, Mr. Daly.

MR. DALY: Petitioner's Exhibit 7 is a complaint by Alfred M. Joyce versus a hundred and thirteen defendants, in which this witness was a defendant.

THE COURT: One of the named defendants in the complaint.

MR. DALY: That is right; Lyndon B. Johnson, Hubert Humphrey, Henry Fowler, Nicholas Katzenback, Ramsey Clark--

THE COURT: The exhibit will speak for itself. I don't want you to read the a hundred and some defendants.

MR. DALY: By the way, did you receive a copy of this complaint?

MR. DAVIS: Your Honor, that is objected to.

THE COURT: I think I am honoring

Counsel's motion for an offer of proof, to determine what evidence you intend to elicit from this witness, to determine whether it is pertinent to the lawsuit that we have before this Court at this time.

And you asked the Court for permission to make a statement. Now, are you through with your statement, Mr. Daly?

MR. DALY: Well, no, I am not through with it yet. In this complaint, it has been alleged that--

THE COURT: Just a minute, all right, it has been alleged what?

MR. DALY: That national and international bankers -- That in aggravation and in promotion of the theft of Plaintiff's land and crops, Plaintiff has good factual reason to believe, does believe and so states that the State, National and International Bankers played a major part in the murder of President John F. Kennedy and tried to murder Plaintiff's Lawyer in July of 1967.

Now, this is evidence. This is what they offered in evidence. These are issues, which they raised in these proceedings.

THE COURT: No, the complaint was filed as evidence in this case; but they didn't allege

the facts that are in the complaint. I believe the plaintiff must allege the facts set forth.

MR. DALY: They alleged improper conduct on my part to subscribe to a complaint like this and I claim it is not improper.

Well, what I intend to prove by this witness, by questioning him, is that he was an accessory, either before or after the fact, to the murder of John F. Kennedy.

I strongly suspect that he is an accessory after the fact to the murders of Martin Luther King and Robert Kennedy.

That he is presently an accessory after the fact in an attempt to cover up the massacre of innocent people, men, women and children at Mylai and it is to those questions that I am concerned with.

MR. DAVIS: Have you concluded your statement, Counsel?

THE COURT: That is your offer of proof?

MR. DAVIS: Is that your offer?

MR. DALY: No, that is not all of it. That there is a consistent and persistent attempt on the part of the federal officials to cover up this assassination; that it is political in nature; that it is

for purposes, which are inconsistent with the Constitution of the United States.

That there is an undeclared war going on, by Congress, in violation of Article One, Section Eight of the United States Constitution; Article One, Section Eight, Clause Sixteen of the United States Constitution; Article One, Section Ten of the United States Constitution.

That there is also evidence in here that there is, insofar as the religious aspect is concerned, that there is a Jewish Papal Hegemony, which is behind the whole thing. Frankly, I think these preachers are behind it. And I think that I am prepared to prove that it is far broader than that, that it extends to every organized religion on the face of the earth.

And there is a consistent attempt by these gentlemen to overthrow the Constitution of the United States.

That this Gentleman participated in the United Nations' Organization Act, which effectively overthrew the Constitution of the United States; placed the power to declare war in the hands, outside of the Congress, as a practical matter.

That this drafting of men into the service is nothing more than the rankest oppression, which wasn't even stooped to by King George, III.

MR. DAVIS: Have you concluded your statement, Counsel? Is that your offer of proof?

MR. DALY: Well, I think that this witness would testify that he has an interest in or owns stock in certain banks. And upon my information and belief, the National City Bank of Minneapolis, who have been and are presently engaged in the same practices testified to by Counsel for the Federal Reserve Bank; of creating credit on their books or forging credit on their books, from which they are acquiring United States Securities, for purposes inconsistent with the best interests of the people of the United States; for the express purpose of enslaving them.

And I think this witness would admit he is a stockholder and is friendly towards this banking conspiracy.

MR. DAVIS: Your Honor, I object to the offer of proof, on the grounds that it is immaterial, irrelevant and I move that Counsel either state a relevant offer or that we discontinue this statement of his.

THE COURT: Well, I don't know what he is going to offer. So far, I agree with you, Mr. Davis; but I don't know what he is going into next.

Mr. Daly, I am going to ask you, as a lawyer with some competence and with a mind focused upon your training, that up to this point, you haven't mentioned one thing

that you expect to elicit from this witness, that would be in any way pertinent to this hearing.

MR. DALY: Oh, I think--

THE COURT: Assuming all of the things that you assume to be true -- just a minute, I have never interrupted you.

MR. DALY: Excuse me.

THE COURT: To make accusations concerning assassinations without proof, can be as damaging to an individual as by issuance of a formal complaint after indictment. If all you are going to do is sit here and make open accusations against a person, that have no relevancy to this lawsuit or hearing, none whatsoever.

This Court is not here to determine the validity of the banking system of the United States, the District Court of the United States and the State of Minnesota has already determined this question and it is open for appeal if you wish to do so; but I am not here to determine that.

MR. DALY: It is funny, I felt the same way about it; they have even gone so far as to label me an atheist.

THE COURT: There is nothing in the petition about your being an atheist. And if you were,

it would have no significance upon me whatsoever.

What I am asking you to do is to offer to this Court and show this Court that you intend to elicit some evidence from this witness, which is relevant to this hearing. Now, this may seem awesome to you and that the Court is in error in making the ruling, because you have never agreed with any ruling of the court yet; but I am telling you that that is my ruling and I am asking you now, do you have anything else as an offer of proof to show that you intend to elicit anything from this witness, which is relevant and pertinent to this case?

MR. DALY: Well, I think insofar as the activity of Miles Lord is concerned, I want to question him with reference to that.

THE COURT: I don't know what you mean; as to what?

MR. DALY: I was jailed for mentioning the United States Constitution one afternoon and a banker was on the stand and--

MR. DAVIS: How can this witness testify about that occurrence?

THE COURT: What has that got to do with Mr. Humphrey?

MR. DALY: Well, it gets right back.

Well, of course, I think he is under the domination of this Jewish Papal Hegemony.

THE COURT: Is there anything else now, Mr. Daly, that you intend to elicit from this witness?

MR. DALY: He is just a tool for them and I intend--

MR. DAVIS: Your Honor, I move the Court that it appearing to Counsel that no relevant testimony can be elicited from this witness, that the witness be excused.

THE COURT: That is granted.

Mr. Humphrey, you are excused and the Court apologizes.

I will state this and I will state this to Mr. Daly and to Mr. Humphrey's counsel; that the law permits lawyers to indiscriminately issue subpoenas through a clerk. Some lawyers may abuse that privilege; I believe that today it has been abused. Mr. Daly knows what he has been talking about this morning has nothing to do with the hearing that is before this Court. If a lawyer abuses his privilege to issue subpoenas, you just aren't quite sure how we can look behind a subpoena.

Yesterday, we did explore some law on the subject and it was my feeling that the subpoena would have to be

honored.

MR. DALY: Well, I wonder if there is any possible way we can hold this thing together?

THE COURT: Hold what together?

MR. DALY: My offer of proof.

THE COURT: I want you to make one, Mr. Daly. It has been forty minutes now and so far, you haven't said anything pertaining to this lawsuit. Now, do you need more time?

MR. DALY: I think I do.

THE COURT: All right, let's hear what you have to say.

MR. DALY: Now, this action started in a criminal proceeding.

THE COURT: When this action started is not pertinent.

MR. DALY: Not the present action, but the criminal proceedings over in the United States District Court. I believe this witness will testify that he is a friend of the Honorable Judge Miles Lord.

MR. DAVIS: I renew my motion.

THE COURT: The Court will take judicial notice of it; but it is irrelevant and immaterial.

MR. DAVIS: I renew my motion.

MR. BURKARD: We join in the motion.

THE COURT: It is granted and you are excused.

I want the record to show, Mr. Daly, the Court has been somewhat in sympathy with you over these proceedings, until we get to this. Now, what did you hope to accomplish?

MR. DALY: I figured that you wouldn't be able to swallow this one and I can see that.

THE COURT: And you still proceed?

MR. DALY: Well, I believe that there is a conspiracy.

THE COURT: But as a lawyer, this isn't the way to establish it.

MR. DALY: Well, how else am I going to establish it?

THE COURT: I am not going to tell you how to practice law.

(WHEREUPON, a morning recess was duly had at approximately ten-thirty o'clock a.m.)

* * * * *

MR. DALY: Mr. Edelman.

HYMAN EDELMAN

being first duly sworn, testified

as follows on behalf of the

Respondent on:

DIRECT EXAMINATION

BY MR. DALY:

Q Your name is Hyman Edelman, is that right?

A Yes, it is.

Q And you reside where?

A Minneapolis, Minnesota.

Q Your occupation?

A I am an attorney.

MR. DAVIS: Your Honor, at this time, I move the Court to require Counsel to make an offer of what relevant evidence he intends to prove in this proceeding by this witness.

THE COURT: I will permit the witness to raise that issue by the circumstances.

THE WITNESS: Your Honor, please, I do raise that issue.

THE COURT: Then, I am going to ask you to make an offer of proof.

MR. DALY: I wanted to talk to him about this Kol Nidre Prayer; there has been some issue about the Jewish Papal Hegemony and I maybe didn't make it broad enough when I made the affidavit of prejudice.

I think you were there that day when I made the affidavit of prejudice against Judge Friedrich. I think

you were in the courtroom that day and Judge Friedrich has testified--

THE COURT: I believe that did become an issue in regard to the affidavit.

Q (By Mr. Daly, continuing) You don't mind talking about it, do you?

A If the Court rules that this is relevant and this is all you want; I think I would be glad to answer.

THE COURT: The question arose as to the propriety of that affidavit, Mr. Edelman, and there was evidence introduced in regard to the affidavit of prejudice filed.

Q Well, Sidney Abramson was in here and you know him, don't you?

A Yes, I do.

Q I asked him if it was all right if he talked about it and as far as he was concerned, he said it was all right. He said he didn't spend a lot of time in church; but he was a member of the Jewish Religion.

A I will be glad to answer. I think I ought to make it clear on the record, I am here pursuant to a subpoena issued by you.

Q Right.

A I didn't come voluntarily.

Q All right, --

THE COURT: The record will show that.

Q And you were paid two silver dollars?

A I was paid two silver dollars, yes.

Q Were you satisfied with the consideration?

A Pardon me?

Q Were you satisfied with the consideration?

A I understand the reasoning behind it.

Q All right. Now, I asked Sidney Abramson about this Kol Nidre Prayer; I had a copy of it somewhere, but I don't believe that I found it. But any way, you are familiar with the Yom Kippur prayer, are you?

A Yes, I am.

Q Where the Rabbi says -- by the way, what is Yom Kippur? Can you give us an idea?

A At this time, I think that any discussion with me as a lay person and a member of the Jewish faith; this is my religion. It would not be appropriate.

And I raise it myself, because despite the fact that you refer to a Papal Jewish conspiracy and also a conspiracy with all other religions, including the Lutheran Religion and any other religion that is recognized; I realize that you have raised that question, but that doesn't give you the right to abridge my Constitutional rights with respect to freedom of religion.

Q That is right.

A And unless the Court ordered me to, I will assert that this isn't a proper subject of inquiry, either from the point of view of privilege or from the point of view of relevance to this case.

THE COURT: I think, Mr. Edelman, what Counsel is trying to do is lay a foundation to permit you to issue an opinion as to a basic fundamental belief of a certain prayer. And I think this is what you are trying to do, is it not, Mr. Daly?

MR. DALY: Yes.

MR. DAVIS: Why don't you get to that; ask him if he is familiar with the prayer and ask him and read him what you did read to Mr. Abramson.

THE WITNESS: Perhaps we can get at that; will you read what you conceive to be the part that is important here. And if you want my opinion and if I think that I can answer, sufficiently learned or qualified, I will answer it.

Q (By Mr. Daly, continuing) Well, we have talked about this before, haven't we? And there has been no problem between the two of us?

A Well, as a matter of fact, I once explained it to you and if you want me to give the same explanation, I will be happy to do it.

THE COURT: For the record, first

let's have a question.

Q Well, the Yom Kippur Prayer is used not only by the Jewish; but certain segments of the Jewish Religions and in certain segments of the Christian Religion or do you know about that?

A No, I don't.

Q Well, any way, can you just tell us what your understanding of what the Yom Kippur prayer is?

MR. DAVIS: Your Honor, I think the witness has disqualified himself and he is not giving any relevant testimony. He says he is not in any way aware that this prayer is used in the Christian religions and the only question, which is before the Court, is whether or not there is a Jewish Papal Hegemony, I guess.

THE COURT: Well, I am not sure what Mr. Daly is leading to; but I think you are going to end up asking him the same question you did ask to Mr. Abramson; a certain section of that prayer in regard to another. Why don't you ask him about that, if that is what you are leading to.

Q You publicly renounce, do you, this was with reference to oaths: All personal vows we are likely to make, all personal oaths and pledges we are likely to take between this Yom Kippur and the next Yom Kippure, we publicly renounce. Let them all be relinquished and abandoned, null and void,

neither firm nor established. Let our personal vows, pledges and oaths, be considered neither vows nor pledges nor oaths.

You are familiar with that?

A I will give you the answer to that as I explained to you once before.

You and I were visiting and you asked me that question and I thought perhaps you would be asking questions and I will give you an authoritative answer right from a prayer book. Yom Kippur is a day of atonement and you ask forgiveness for your transgressions.

Now, what you have read is a rough translation; but let me read from what it says here.

Whereas, the Hebrew text does not specify what vows are meant, it was clearly understood by Jews at the time that the recital of a Kol Nidre could not release one from vows and obligations; could not release one from vows and obligations made with his fellow men.

That is evident from the following selection of the Mishna, which is the authoritative code of law, which antedates Kol Nidre by at least five hundred years. Only willful enemies of the truth, persist in distorting the meaning of Kol Nidre.

Quoting from the Mishna, the quote is "For transgressions between man and God, repentance on Yom Kippur brings atonement. For transgressions between man and man, Yom Kippur brings no atonement, until the injured party is appeased." And for any breach of contract or agreement or any such thing as man and man, there

are courts of law and civil and criminal sanctions. That is a simple answer and this is the answer that I would give.

Q Well, now, how does that have an effect and what effect does that have upon your oaths to support the Constitution of the United States?

A My oath to support the Constitution of the United States, is an oath which must be observed under all circumstances.

Q But it is an oath or a vow or a pledge or whatever you want to call it?

A As I explained to you, there were periods of time in the history of people of the Jewish faith, when they were burdened; they were massacred; they went through the inquisition; and things were done in a religious way, which were transgressions against God. And these are the kind of things or some of the kind of things for which forgiveness is asked on Yom Kippur. And it has nothing to do with anything else.

Q Then, a transgression against the free right of the individual is a transgression against God?

A Now, you are getting into an argumentative question.

THE COURT: Is that a question or a statement?

MR. DALY: It is a question.

THE WITNESS: It is your statement.

Q (By Mr. Daly, continuing) We talked about this in your office, just you and I.

A And I gave you the explanation and I am surprised that you didn't absorb it and you keep repeating the same thing.

Q Well, I did absorb it. You say that they are trying to toss me out of the right to appear before the courts, because of some of my statements. And I want to get it in the record; you are my witness here.

A But I am not your lawyer and anything I say -- Kol Nidre has nothing to do with you, Mr. Daly; because you will admit, between you and me, there have been no transgressions.

I have treated you courteously and correctly and I don't think you have any complaints against me, do you?

THE COURT: I am going to now, Mr. Edelman, go into the question of your demand for an offer of proof. What now do you intend to elicit from Mr. Edelman?

Q Let me ask you this: --

THE COURT: Just a minute; you answer me. What do you intend to elicit from Mr. Edelman that is pertinent to this lawsuit?

MR. DALY: You don't mind talking about it?

THE COURT: I mind.

MR. DALY: Well, I intended to elicit from him, I think it is a general principle of law that

the amendment of an instrument supersedes anything, which has gone before or which is in conflict with it. Is that your understanding?

MR. DAVIS: Is that your offer?

MR. DALY: I mean, no.

MR. DAVIS: Are you calling this man as a professional witness now?

MR. DALY: I think so, yes. There is no question about it.

MR. DAVIS: I don't understand the question.

THE COURT: I don't either.

Q (By Mr. Daly, continuing) I say a contract or any instrument, isn't it generally speaking, in the law of contracts, that an amendment of a contract, the amendment will supersede anything. If there is an amendment attached onto the end of a contract, it will supersede anything in conflict with it?

MR. DAVIS: I object to the question and I think it is not sufficiently precise and secondly, I think it is irrelevant to the issues in this case.

THE COURT: Sustained.

Q We did have a discussion about that, with reference to the Thirteenth Amendment: Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United

States, or any place subject to their jurisdiction.

And slavery and involuntary servitude are used in their most broad sense and it includes thralldom or being a thrall, which is a moral bondage. And we discussed that question?

THE COURT: I want to interrupt; whether or not you discussed it is irrelevant and immaterial.

MR. DALY: I will offer to elicit from this witness; I asked the question: Do you claim that that freed you; freed you people that belong, that subscribe to this prayer, this religious prayer; that freed them from the requirement contained in Article Six:

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and

all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

As to whether the Thirteenth Amendment abolishing slavery, whether they claimed that abolished the obligation to be bound by oaths to support the Constitution of the United States.

MR. DAVIS: Objected to, Your Honor, as immaterial.

MR. DALY: And well, any way, I want or would like to get to the root of things.

THE COURT: So do I, that is why I am asking you to get to the root of what you intend to elicit from Mr. Edelman.

MR. DALY: I asked him this question and he gave the answer, that no, that didn't; that it wasn't intended that way.

THE COURT: Do you have any further questions of Mr. Edelman in regard to this hearing?

MR. DALY: Then I asked Mr. Edelman, do you gentlemen say what you mean? Do you mean what you say?

MR. DAVIS: Your Honor, that is objected to as immaterial. I don't see any relevance to it.

THE COURT: Objection is sustained.

MR. DAVIS: And I request that the Court instruct Counsel to continue his offer of proof. If it is not continued, I intend to make a motion that this witness be dismissed.

THE COURT: I am going to ask you what proof or what evidence you intend to elicit from this witness that is pertinent to the hearing, Mr. Daly, I ask you again.

MR. DALY: And I think he gave the answer that he thought that the prayer should probably be straightened around, so that--

THE COURT: Is that pertinent to this lawsuit?

MR. DALY: I think it is; I claim the first two paragraphs of the Declaration of Independence, insofar as governmental functions are concerned, wipe these preachers right from the face of the earth.

THE COURT: What has that got to do with this case?

MR. DALY: It has this much to do with it; the first two paragraphs of the Declaration of

Independence is what they have overthrown.

Of course, I claim that is incorporated in the Constitution by Article Six; an Engagement entered into, before the Adoption of this Constitution --

THE COURT: Are you through with this witness then?

MR. DALY: Well, on this particular facet.

THE COURT: Do you have any other evidence? Now, just a minute, what evidence? There is a demand for an offer of proof; what do you intend to elicit further from this witness?

MR. DALY: Well, may I ask him one question for foundation?

THE COURT: Not until you answer my question.

MR. DALY: Well, I want to get to this church; this criminal case where I was jailed, in the United States versus Carl Anderson. He was the attorney for Ridge Lutheran Home or Eugene Linse and some of the parties involved.

THE COURT: Was he present in court on the day that this happened?

MR. DALY: I don't think he was present in court; but I claim there is a conspiracy afoot;

and by the way, you did make the statement out in the State District--

MR. DAVIS: I request Mr. Daly be instructed to make his offer of proof.

THE COURT: Do you know what an offer of proof consists of, Mr. Daly?

MR. DALY: I will offer to prove that this witness made a statement out in state court that the question of legal tender and my contention that no state, which is directed to state officials, shall make any Thing but gold and silver Coin a Tender in Payment of Debts. And this witness stated to the Court that this was a question that had no business being brought up in a court of law. I think that is right, isn't it?

THE COURT: If he did make that statement, assuming that to be true, what materiality does that have to this hearing; because the Court isn't interested in what Mr. Edelman thinks in regard to the validity of the banking system or monetary system.

MR. DALY: Well, I think that it goes to the question, it is my claim here there is a conspiracy and has been since November of 1963, to have my license to practice law suspended; because I am and have been following my oath in civil and criminal proceedings to

support the Constitution of the United States.

THE COURT: Well, that would be your opinion; you say that you are; this is your opinion, that this is what you think.

MR. DALY: I want to elicit facts to establish this; I am satisfied beyond any question.

THE COURT: That is what I want to know, Mr. Daly, what evidence do you intend to elicit from this witness that will tend to show the Court that there was such a conspiracy and there is such a conspiracy?

MR. DALY: Well, this witness is on the other side of this action of Carl Anderson; United States of America versus Carl Anderson, which is brought in the United States District Court. And I think he was instrumental in obtaining the indictment, through connections with Humphrey, Lord--

THE COURT: What has that got to do with the conspiracy?

MR. DALY: And Foley.

THE COURT: What has that got to do with the conspiracy?

MR. DALY: As far as I am concerned, there was no real activity with the Bar Association, until I started representing Carl Anderson and then the heat was on.

And I think this witness has admitted that if I can settle that Anderson case; my problem would be pretty well over with.

THE COURT: Why don't you ask him that question.

Q (By Mr. Daly, continuing) Isn't that right, didn't you make that statement to me?

A No, I did not.

Q We have attempted to get this church case settled, in which you represent Oscar Husby, as receiver for the Ridge Lutheran Home.

A We have attempted to settle it; except for that, your statement isn't correct.

Q Well, what was your original demand for settlement against Carl Anderson?

MR. DAVIS: Objected to as immaterial.

THE COURT: Sustained. Even if you were to tell the Court, Mr. Daly, I wouldn't know what the problems were in the lawsuit; what the case is worth, nothing about it.

Q But I believe you wanted everything that Carl had; the machinery and the land?

MR. DAVIS: Your Honor, I renew my objection and the request that the Court instruct Counsel to make his offer of proof, indicating the relevant

testimony, which is to be elicited from this particular witness.

THE COURT: I have done that, Mr. Davis. What evidence do you intend to elicit from this witness and will you please make your offer of proof, based upon that fact, of what you intend to get from this witness to substantiate your position that there was a conspiracy.

MR. DAVIS: Hearing no response from Counsel, I move that this witness be dismissed.

MR. DALY: Well, I understand that you originally represented Eugene Linse, in his capacity as a member of the board of directors of Ridge Lutheran Home?

MR. DAVIS: Objected to as immaterial and in contrast to the Court's instructions to Counsel.

THE COURT: I am asking you to make an offer of proof.

MR. DALY: I am going to offer to prove he represented Eugene Linse in this action in Dakota County District Court in Hastings and Linse obtained an injunction against Carl Anderson, from in any way doing anything to affect the status quo of the lawsuit and the situation as it rested at the time that the whole thing blew up.

Eugene Linse put up a thousand dollars bond on his own behalf and on behalf of the board of directors of Ridge Lutheran Home. I believe that the affidavit indicated that the action was taken by Eugene Linse, after a meeting of the board of directors and the Minnesota Non-Profit Corporation Act required three directors and I think I took the position that the Minnesota Non-Profit Corporation Act was unconstitutional and void insofar as it went to attempt to aid in the establishment of religion and I think further proof that Mr. Edelman agreed with me that I was probably right.

And so that the action of Eugene Linse, in making a sworn statement that it was an action taken on behalf of the Board of Directors of Ridge Lutheran Home and I believe that the statement was subscribed to by Mr. Edelman. And that the action of Eugene Linse in doing that is immaterial, in any event, because of the unconstitutionality of the action.

MR. DAVIS: I object.

MR. DALY: But, Eugene Linse, I want to show further that Eugene Linse was dropped as a party from the proceeding and I think that the evidence will show from this witness, that there has been an attempt to get Carl Anderson in his corporation, with the

corporation that he and Vinge owned, A and J Builders, to give a deed to all of the land involved; I think some a hundred and fifty-three acres of platted land, to Oscar Husby, as the receiver of Ridge Lutheran Home, and that Carl Anderson is in a spot where he is ordered not to do anything, without further order of the Court.

And yet, he is attempting to get him to turn over a deed to all of this land and over in the United States District Court, Judge Lord has been attempting to turn this around to get Carl Anderson to turn over a deed to all of the land, in violation of the state district court, in which this land is sited or situated, in violation of that order.

MR. DAVIS: Your Honor, none of that evidence, in my judgment, is relevant in any of the issues to this case.

THE COURT: Agreed.

MR. DAVIS: I object to the offer.
I move that this witness be excused.

MR. DALY: Well, I have got a further offer; that this criminal proceeding was for purposes of attempting that and well, I mean, basically, what I wanted to elicit from this witness is that he is, and I think I can prove it, that he is in combination with the Lutheran Church, Missouri Synod of Saint Louis,

Missouri, and that the whole persecution is a religious persecution, using this non-profit corporation act and these bills of credit, issued by the non-profit corporation, in violation of Article One, Section Ten; and that is, through that medium, that the control of money and money manipulation, through that medium; that we are the subject and I am the subject of a religious persecution, which I claim it is against myself and against Carl Anderson and this proceeding here is another facet of it.

And I think that is what I wanted to establish with this witness.

THE COURT: Well, the motion is granted. Mr. Edelman, you are excused.

MR. DALY: Thank you for honoring the subpoena. You were entitled to gold and silver coin and you didn't have to.

THE COURT: Do you have any other witnesses?

MR. DALY: Not at this time, no.

THE COURT: Pardon?

MR. DALY: Not at this time, no.

THE COURT: You rest?

MR. DALY: No, I have some more documents that I want to offer, if it is all right with

you.

THE COURT: Why don't you mark and offer them.

MR. DALY: Maybe we could have a short recess.

THE COURT: Well, how long?

MR. DALY: There are quite a number of them. I have quite a number of documents.

THE COURT: We will take a recess, while you have Lana mark those documents.

(WHEREUPON, a morning recess was duly had at approximately eleven o'clock a.m.)

* * * * *

(WHEREUPON, Respondent's Exhibits CCC through IIII were marked for purposes of identification.)

THE COURT: I think the record should show that you have offered Exhibits AAA through IIII?

MR. DALY: Yes, do you have any objections to this?

MR. DAVIS: I don't know; I have no idea what they are.

MR. DALY: Look them over; they all

go to or it is all evidence in which I want to offer to prove -- it went to the offer of proof I wanted to give for Mr. Humphrey and Mr. Edelman and all evidence with reference to that.

MR. DAVIS: Where is AAA?

MR. DALY: That is Long Live the American Jury. I would like to read from it; Chief Justices of the Highest Courts in the Fifty States, their responses to the question: Shall the right to trial by jury be abolished in civil cases; responses were received from all of the Chief Justices in the Union. Of these, only seven expressed their unqualified opinion that jury trials should be abolished.

They were as follows: State of California, Phil S. Gibson; State of Delaware, Charles L. Terry, Jr.; State of Louisiana, John B. Fournet; State of Massachusetts, Raymond S. Wilkins; State of Minnesota, Oscar R. Knutson; State of Montana, James T. Harrison; State of New York, Charles S. Desmond; State of Pennsylvania, John C. Bell, Jr.

MR. DAVIS: That exhibit is objected to as immaterial.

MR. DALY: And it is material insofar as it characterizes the testimony of Oscar R. Knutson, when he made the remark, he felt sorry for me; I would

sign anything. That, I sure as hell would never sign that.

THE COURT: I will receive it over objection.

MR. DAVIS: Exhibit BBB is a paid advertisement, prepared and inserted by Jerome Daly, Rosemount, Minnesota, in which paper?

MR. DALY: In the Saint Paul Dispatch, Sunday paper, I think right around the middle of July of 1962.

MR. DAVIS: Entitled: My Platform for Election to the Congress of the United States of America. I have no objection to that exhibit.

THE COURT: Received.

MR. DAVIS: Exhibit CCC, Respondent's Exhibit CCC, is a pamphlet; the heading of which, on the first page is: What Must be Done to Cure Our Eco-Political Malady.

I do not understand its relevancy and I object to it upon that ground.

MR. DALY: I claim that this proceeding has a political overtone; it is part of my business records.

THE COURT: May I see that?

MR. DALY: Yes.

THE COURT: Objection is sustained.

MR. DALY: I would like to have it received for whatever it is worth. I would like to have the Court consider it; whether the Court wants to read it or not is another matter.

For purposes of argument before the Supreme Court, I would like to have it received. You see, it is my position here, I would like to have it received in evidence here for purposes of argument before the Supreme Court.

THE COURT: I will receive it.

MR. DAVIS: Respondent's Exhibit DDD is the Appellants' Reply Brief, in the United States Court of Appeals for the Eighth Circuit; Case Number 17,683, Civil, entitled Horne versus Federal Reserve Bank of Minneapolis.

I have no objection to the exhibit.

THE COURT: Received.

MR. DAVIS: Respondent's Exhibit EEE is a book entitled: Thomas Jefferson on Democracy; edited by Saul K. Padover.

I don't have any idea what the relevance of that is and I object to it.

MR. DALY: The same relevance as the other, triple C..

THE COURT: I am going to honor the

the objection. We are going to clutter this record up with so many things and just to keep track of them is becoming a chore.

If it were relevant, the Court would receive it; but you can refer to it, I imagine.

MR. DALY: This is the author of the Declaration of Independence.

THE COURT: I realize that.

MR. DALY: And he is the author of the Bill of Rights. I think of all of them, I would like this in, so I can quote from it, Thomas Jefferson.

MR. DAVIS: I don't think anything prevents you from quoting from the book in the Supreme Court, if you wish to.

MR. DALY: There are certain parts of his letters and I think of all of the exhibits, I would like to have this one.

THE COURT: All right, then it will be received.

MR. DAVIS: Respondent's Exhibit FFF is a book written by Fred Reinfeld entitled the Story of Paper Money.

It may have some relevance; I don't have any objection.

THE COURT: It will be received.

MR. DAVIS: Respondent's Exhibit GGG

is an Appellant's Brief, in the case of A and J Builders, Inc., versus Oliver Harms, President of the Lutheran Church, et al; Supreme Court File Number 41727.

I have no objection to it.

THE COURT: It will be received.

MR. DAVIS: Respondent's Exhibit HHH is the Appellant's Brief in the case of Lowe versus Patterson; apparently prepared by Jerome Daly in the Supreme Court of Minnesota; File Number 38740.

I am unacquainted with this case and I don't know what its relevance is; I will object.

MR. DALY: I will explain; it is a case in which I raise the Constitutionality of the Rules of Civil Procedure enacted by the Supreme Court. That they were unconstitutional and the Supreme Court ducked the question. They said it wasn't sufficiently briefed and I claim it was.

And there has been a claim here that I haven't been taking my problems to the appealable court and I claim I have.

THE COURT: Received.

MR. DAVIS: Respondent's Exhibit III and JJJ are Myers' Finance Reviews. Can you tell me, Mr. Daly, whether they refer in any way to the Credit River case?

MR. DALY: Indirectly, they do, yes.
In other words, it is an indirect reference to it.

MR. DAVIS: On the basis of that explanation, I have no objection.

THE COURT: Received.

MR. DAVIS: Respondent's Exhibit KKK is Title XXVII or a photocopy of Title XXXVII of apparently the United States Code, is that correct, Counsel?

MR. DALY: Yes, and it quotes a section--

MR. DAVIS: And it deals with coinage weights and measures, I have no objection to the exhibit.

THE COURT: Received.

MR. DALY: It quotes Section 3511, which is referred to in the Income Tax pack that I have filed.

MR. DAVIS: Respondent's Exhibit LLL is a copy of Life Magazine, which has a flag sheet attached; in this issue, Vietnam Massacre, exclusive color pictures and interviews with soldiers who were there.

I object to the exhibit; no materiality.

MR. DALY: With reference to my offer of proof of Mr. Humphrey.

THE COURT: I ruled that the offer of proof of Mr. Humphrey was irrelevant and immaterial to this hearing.

MR. DALY: I believe I questioned Miles Lord.

THE COURT: Objection is sustained.

MR. DAVIS: Respondent's Exhibit MMM is a reprint by special permission of the Minneapolis Daily Star and The Bell Syndicate, Inc.; Special Law Passed For Zionist, Swope fortune went tax free to Israeli school.

MR. DALY: That has a direct bearing on the income tax dispute I am having with the officials of the United States.

MR. DAVIS: I think it is pretty far-fetched; but I have no objection to it, Your Honor.

THE COURT: That is MMM?

MR. DAVIS: Yes, Your Honor.

THE COURT: Received.

MR. DAVIS: Respondent's Exhibit NNN is a photocopy of certain items published in the Los Angeles Times and in the Register, which apparently is another publication, for Friday, April 12, 1968. There are three copies of the same exhibit; do you want all three of them in?

MR. DALY: I only wanted the one; I am sorry if there are three there.

MR. DAVIS: One of the articles states "Businessman Aims 'Extortion, Blackmail' Charge at I.R.S."; "Court Kills L.A. Forms for Arrests" is the other one. What is the relevance?

MR. DALY: It is Arthur J. Porth, who I believe there is evidence offered by yourself; he and I appeared in San Diego, California on the income tax fight.

You have no objection?

MR. DAVIS: No objection.

THE COURT: Received.

MR. DAVIS: Respondent's Exhibit 000 is a book entitled: John Locke of Civil Government; a Gateway Edition.

I don't know any purpose of that offer, Counsel.

MR. DALY: Well, now, once again, here is a book that I think should be in evidence for purposes of showing the thinking, you see. It was John Locke's thinking that Thomas Jefferson based his thinking upon, when he authored the Declaration of Independence.

Now, I want this in the record for this one purpose; can I see it please? (Mr. Daly is handed Exhibit 000).

I think it is very material to my contention; in

other words, there are various subjects in here of the rights of a man, of a stated nature; state of war; slavery; of property; of paternal power; of political or civil society; of the beginning of political societies; of the legislative, executive and federative power of the commonwealth; of paternal, political and despotical power considered together; conquest; of usurpation; of tyranny and the dissolution of government.

MR. DAVIS: I object to the exhibit as immaterial.

MR. DALY: Like I indicated before, I would like to have it in for purposes of consideration before the Supreme Court.

THE COURT: I just can't clutter up the record with things that have nothing to do with it.

MR. DALY: And I think it goes to another issue; it goes to my issue to my right of a jury trial; they claim in this proceeding that this is not a proceeding civil in nature or criminal in nature; but it has the effect of a deprivation of rights to life, liberty and property and the pursuit of happiness, and I claim that.

They claim it is a proceeding sui generis and it is a proceeding in which it is neither civil or criminal. Well, if such is the case, then they are exercising--

THE COURT: That is argument, Mr. Daly.

MR. DALY: They are exercising a paternal power over me. In other words, they are acting as kind of a parent, in the same manner which a parent would discipline a child, that is the members of the Supreme Court. And I claim that they cannot exercise a parental power over me.

That the only thing that they can do and their decisions have stated: The right to practice law is a property right, one or two decisions. And another decision indicates it is not a property right, it is a privilege. But the point I am trying to make is this; is that I claim they can exercise no parental rights over me, because they are not my parents.

THE COURT: I don't disagree. The problem is that book, what does that book do to substantiate or give the Supreme Court any authority to rely upon it, to substantiate your opinion?

MR. DALY: In this book?

THE COURT: Yes.

MR. DALY: It covers the whole fundamental basis of the rights of the individual, pursuant to the Ninth Amendment. Once again, I don't care about any of the rest of these exhibits, except this

one and that one on Jefferson.

THE COURT: That is what you said about this one, Mr. Daly.

I am going to rely upon your word and receive it.

MR. DALY: All right, thank you.

MR. DAVIS: Respondent's Exhibit PPP is a book; The Story of Our Money, copyrighted in 1946.

I will not make an objection to it.

THE COURT: It will be received.

MR. DAVIS: Respondent's Exhibit QQQ is a book, Lightning Over the Treasury Building, by John R. Elsom.

I have no idea what is in it; but it seems to bear on some of the subject discussed in this trial and I will not object to it.

THE COURT: Then it is received.

MR. DAVIS: Respondent's Exhibit RRR is a book entitled The Strange Case of James Earl Ray, The Man Who Murdered Martin Luther King; by Clay Blair, Jr.

I object to the book; I don't believe it has any relevance to the issues in this proceeding.

MR. DALY: Well, I think it does; I claim there is a conspiracy and it is international and I think there is a statement in the complaint that shows it is an international conspiracy.

And it goes to back up my complaint, mind you; this complaint that was filed on or about the 18th of January of 1968; hell popped after that, that one with a hundred and thirteen defendants.

They had a ship off of North Korea and they went in and surrendered, --

THE COURT: The objection is sustained.

MR. DALY: Martin Luther King and Robert Kennedy were assassinated--

THE COURT: Objection is sustained.

MR. DAVIS: Respondent's Exhibit SSS is a record in the Lowe versus Patterson case. We have previously received the Appellant's Brief and I have no objection to this exhibit.

THE COURT: Respondent's Exhibit SSS is received.

MR. DAVIS: Respondent's Exhibit TTT is the Appellant's Brief in Mary Katherine Lowe versus Helen A. Patterson. Didn't we already have this in here?

MR. DALY: This is another case apparently; this is file number 39341. Let me take a look at that one.

MR. DAVIS: If it relates to the same general proceeding, I have no objection.

MR. DALY: yes, I think it does.

THE COURT: Then it is received.

MR. DAVIS: And this is Respondent's Exhibit UUU, Appellant's Reply Brief in the case of Lowe versus Patterson, File Number 38740.

No objection, Your Honor.

THE COURT: Then it is received.

MR. DAVIS: Exhibit VVV is a book by Roland H. Bainton; Here I Stand, A Life of Martin Luther.

Objected to as immaterial.

MR. DALY: I think it is absolutely essential to prove my position here. They talk about how the Pope in Rome borrowed money from the House of Frueger (phonetic spelling), which is a German banking house and how they charged exorbitant rates and how the Catholic Church promised these poor peasants, they could spring their loved ones out of hell, if they would donate and by indulgences, and it is in here, forever--

THE COURT: Because this man writes a book and says this to be a fact, doesn't relieve you of the position that you must establish those facts as set forth, by separate and distinct evidence.

Objection is sustained; I can see no relevancy.

MR. DAVIS: All of this stuff is hearsay; I am trying to separate it by relevant hearsay

as opposed to--

MR. DALY: Here it is: As soon as the coin in the coffer rings, a soul from purgatory springs.

THE COURT: The objection is sustained.

MR. DAVIS: Respondent's Exhibit WWW is a book by Harold Weisberg entitled: Whitewash, the report on the Warren Report.

I object to it as immaterial.

THE COURT: Do you have anything to say about that publication?

MR. DALY: I think we do have evidence on that one; Six Second in Dallas, I think. I believe I testified to it when they called me on direct examination.

MR. DAVIS: I didn't call you on direct; I called you on cross.

MR. DALY: But, I mean--

THE COURT: Objection is sustained.

MR. DAVIS: Respondent's Exhibit XXX is a book--

THE COURT: By the way, that book has already been offered and received, in a cloth-bound edition that you offered the first day here on the witness stand.

MR. DALY: But this is a different one.

MR. DAVIS: The Unanswered Questions About President Kennedy's Assassination, by Sylvan Fox; I object to the exhibit as immaterial.

THE COURT: Sustained.

MR. DAVIS: Respondent's Exhibit YYY is a book; Report of the Warren Commission on the Assassination of President Kennedy.

MR. DALY: I think that is material

MR. DAVIS: I object to the exhibit; it is not material of the issues in this proceeding.

MR. DALY: It is part of the official document.

THE COURT: Sustained.

MR. DAVIS: Respondent's Exhibit ZZZ, Mark Lane's A Citizen's Dessent, a book. I object to the exhibit, immaterial.

MR. DALY: I might say at this time, I am going to raise this ruling out of the evidence as error before the Supreme Court; I will keep these myself.

THE COURT: On that book, what is your basis of fact that that should be received by the Court?

MR. DALY: That part, this harrassment of myself, attempting to get me to recant; Mark Lane

was subjected to the same harrassment and it goes to show the fact that here is a man that investigated the Kennedy assassination on the ground floor in Louisiana and Texas and around the United States. He has been subjected to the same type of harrassment that I have.

THE COURT: This book goes to the Kennedy assassination?

MR. DALY: Right.

THE COURT: Objection is sustained. Yes, you may raise the issue before the Supreme Court.

MR. DAVIS: Respondent's Exhibit AAAA is a book by Philip M. Stern; The Great Treasury Raid, Missing: Forty Billion Dollars Every April. The story of how five people had incomes of five million, but paid no tax. How one person had an income of twenty million, but paid no tax, etc.

I fail to see the materiality of that.

MR. DALY: Well, it goes to the question of the income tax; it is directly in issue.

THE COURT: Not that question, that is not before us.

MR. DALY: You mean the cleaning out of the treasury?

THE COURT: Objection is sustained.

MR. DALY: I will raise it before the

Supreme Court; this is one of my claims.

MR. DAVIS: Exhibit BBBB is a book entitled Plot of Politics, the Garrison Case and Its Cast; by Rosemary James and Jack Wardlaw. I assume this relates again to the assassination, is that correct?

I object to the exhibit on the ground of immaterial.

MR. DALY: Wait a minute now. It also sets out quite a number of people in here, including David Kroman, who was one of the defendants in the insurance fraud trial in Bismark, North Dakota. And the book indicates that the information that David Kroman had, with reference to the Kennedy assassination -- so, in other words, it connects up with the contempt proceeding by Judge Lord against me and my representation of Kroman.

THE COURT: Objection is sustained. You may raise the issue at the time of argument.

MR. DAVIS: Respondent's Exhibit CCCC is a book by an author by the name of Rose; Libel and Academic Freedom.

I object to the exhibit, Your Honor as immaterial.

MR. DALY: This is Arnold Rose, a Professor at the University of Minnesota, that I tried a case against. He wrote a book; I should think you would want it. It would go right down the line with your theory.

THE COURT: Objection is sustained as to these proceedings. I just don't see how it would have anything to do with the proceedings.

MR. DALY: Like he says, I am a subversive, and--

THE COURT: That may be all true.

MR. DALY: Well, now, I am never going to admit that. I have always stood for upholding and maintaining and supporting the Constitution of the United States as written or amended.

THE COURT: I am saying everything in there may be true.

MR. DALY: In what?

THE COURT: In the book.

MR. DALY: Nothing is true. I am not going to consent to all of it.

THE COURT: It may be all a lie; but it is irrelevant.

MR. DALY: It is not all a lie; he is talking about one day.

THE COURT: Wait; I have ruled on the exhibit.

MR. DAVIS: Respondent's Exhibit EEEE is what appears to be a photocopy of a transcript of a deposition of Carl R. Anderson, taken September 19, 1967,

in the Ridge Lutheran Home versus Carl R. Anderson and other defendants.

I have no objection to the exhibit.

THE COURT: It will be received.

MR. DAVIS: Respondent's Exhibit DDDD is a page out of the Congressional Record for Tuesday, November 25, 1969. The page is entitled Vietnam Resolution -- Why Not Victory?

MR. DALY: I think it has got a statement in there with reference to the publicity on the Credit River case.

MR. DAVIS: If Credit River is involved in it; I have no objection. I don't see where it is.

MR. DALY: Can I see it once? If it isn't, I am not interested in having it in there.

I want to offer it in evidence any way, in reference to Vietnam.

MR. DAVIS: I object to that, if that is the only purpose.

THE COURT: If that is the only purpose, the Court will accept the objection.

MR. DALY: It also connects up with this one income tax exhibit, which is received in evidence. The massacre at Mylai is also referred to or mentioned in there.

MR. DAVIS: Anything relating to that is objectionable.

MR. DALY: I will hang onto it for purposes of appeal, four-D for purposes of the appeal.

MR. DAVIS: Respondent's Exhibit FFFF is a photocopy of an article, written by the Honorable Edward J. Devitt, Chief Judge of the United States District Court for the District of Minnesota; Ten Commandments for the New Judge.

I find no relevancy and I object to the exhibit.

MR. DALY: Devitt is out of town in Hawaii and I was going to subpoena him and he is not in the state. He has Ten Commandments for the New Judge and this is something that is circulated around members of the bar and it states: Be Kind, Be Patient, Be Dignified, Don't Take Yourself Too Seriously, Remember That a Lazy Judge is a Poor One, Don't Be Dismayed When Reversed, Remember There Are No Unimportant Cases, Don't Impose Long Sentences, Don't Forget Your Common Sense and Pray For Divine Guidance. But, nowhere in any of these commandments is the very simple commandment, is to adhere, follow and follow your oath to uphold, maintain and support the Constitutions of the United States and the State of Minnesota, and all the laws passed in pursuance

thereof.

THE COURT: It will be received.

MR. DAVIS: Respondent's Exhibit GGGG is an order of the United States District Court of the District of Minnesota, in the matter of the suspension of Jerome Daly, an attorney at law, dated on September 10, 1969, signed by Judge Devitt.

I have no objection to the exhibit.

THE COURT: It is received.

MR. DAVIS: Attached thereto is a letter of Lawrence R. Tapper, Deputy Clerk, dated September 10, 1969, addressed to Mr. Daly, enclosing a copy of the order.

MR. DALY: I offer that to show that my rights to peaceable assembly and practice law before the United States District Court is suspended without accusation, trial, notice or hearing in the United States District Court.

THE COURT: That is received.

MR. DAVIS: Respondent's Exhibit HHHH is a piece of plastic, upon which printing is imposed and entitled the History of Judaism.

I object to the exhibit, Your Honor, as immaterial.

MR. DALY: Well, I think there is a book on the history of religions of the world and it is

in furtherance; it is written by a Rabbi Jacob Neusner, Ph. D. I think it is more charitable to them than I have been.

THE COURT: The objection is sustained.

MR. DALY: It is?

THE COURT: It is irrelevant and immaterial to the proceedings.

MR. DAVIS: Respondent's Exhibit IIII is a book published by Christian Educational Association, Union, New Jersey, entitled Protocols of the Meetings of the Learned Elders of Zion; translated from the Russian by Victor E. Marsden.

I object to the exhibit as immaterial.

MR. DALY: There is a part in here that I think is material. It goes on to outline how Zionism, which is the religious segment of the Jewish religion -- what is really behind this Communist conspiracy, and more specifically with reference to the statement and it is not long--

THE COURT: Well, just a minute.

MR. DAVIS: I object as immaterial.

THE COURT: And it is not going to be read into the record and the objection is sustained.

MR. DALY: I offer it in evidence.

THE COURT: The objection is sustained;

offer is denied.

(WHEREUPON, Respondent's Exhibit JJJJ was marked for purposes of identification.)

MR. DAVIS: Respondent's Exhibit JJJJ is a pamphlet; The Review of the News, dated July 16, 1969.

I fail to see its materiality, Your Honor.

MR. DALY: This I examined Mr. Mellby with reference to; I referred to it when I questions him and I thought in order to relate it to his testimony, it should be in evidence.

THE COURT: It should be received.

MR. DAVIS: And that is all; and that is all.

THE COURT: Does Respondent rest?

MR. DALY: When I do, it won't be in peace.

THE COURT: Do you rest in these proceedings?

MR. DALY: I had some affidavits that I had made with reference to motions that I had made there in the United States Circuit Court of Appeals, after argument and before the case was decided.

I made a motion, after I discovered that two of the Judges were on the board of directors of banks; that is

Judge Pat Mehaffy was on the board of directors of the First National Bank of Little Rock, Arkansas, and Floyd Gibson was on the board of directors of the Farmers and Merchants National Bank of Kansas City.

And it was in regard to one of these bank suits and I made a motion that they disqualify themselves and that the Court be recomposed and I cited the law to them, with reference to the right to a trial before an unbiased tribunal.

And I made a motion and I filed an affidavit and there was no counter-affidavit filed and no objection to the motion; but they denied the motion. Now, I have those papers somewhere and if it can be agreed, I can send them.

THE COURT: I am sure there would be no objection.

MR. DAVIS: There is no objection.

THE COURT: You may mail them to me.

Do you have any other witnesses to call?

MR. DALY: No, with that, I rest.

THE COURT: No other evidence, other than those affidavits, right? So, you are resting at this time?

MR. DALY: Right.

MR. DAVIS: The Respondent rests; there is no rebuttal, Your Honor, Petitioner rests.

THE COURT: The Court will take the matter under advisement and it will be the order of the Court that these proceedings be reduced to typewriting and transcribed and that this be done within a reasonable time.

And copies of the transcript, I suppose will be furnished to both the Practice of Law Committee and Mr. Daly.

MR. DALY: I am in no real hurry.

THE COURT: Upon receipt, I am asking both lawyers to prepare and furnish to me, as Referee, proposed findings.

MR. DAVIS: Within what time?

THE COURT: And upon receipt, the Court will notify both of you for a future date with regard to arguments in regard to your findings.

MR. DAVIS: Is the Court limiting the period within which findings are to be furnished, after receipt of the transcript?

THE COURT: I will. How much time will you need?

MR. DAVIS: It has been customary in the past to limit the period to thirty days.

THE COURT: Mr. Daly?

MR. DALY: That is satisfactory;
thirty days after receipt of his findings.

THE COURT: And the Reporter will
furnish me with all of the transcripts and I will
distribute them, is that correct?

MR. DALY: I thought the Reporter
was directed to mail a copy of the transcript to me.
I would just as soon she mail one directly to me.

THE COURT: You mail them directly
to Mr. Davis and Mr. Daly and myself.

(WHEREUPON, court adjourned and the
proceedings were concluded.)

* * * * *

VOLUME V

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STATE OF MINNESOTA

IN SUPREME COURT

42174

In re JEROME DALY

REPORTER'S CERTIFICATE

I certify the foregoing pages of typewritten matter to be a true and correct transcript of the proceedings had in the above-entitled matter before a Referee, the Honorable Donald C. Odden, Judge of the District Court, on the 9th, 10th, 11th, 12th, 13th, 16th, 17th, and 18th day of February, 1970.

Lana M. Fiske

Court Reporter