

California Smith Act 9 Freed As Government Drops Re-Trial



CALIFORNIA'S Smith Act defendants, left to right, front: Henry Steinberg, Philip Connelly, Al Richmond, Carl Lambert, Ernest Fox, Albert Lima. Rear: Dorothy Healey, Loretta Stack, Rose

Chernin, Bernadette Doyle, Oleta Yates.

Others not shown are William Schneiderman, Frank Carlson, Frank Spector and Ben Dobbs.

LOS ANGELES, Dec. 2.—New signs of the collapse of the Smith (Thought Control) Act came today when the government announced in Federal Court here that nine California Communist leaders would not be re-tried under the widely-discredited law. The nine were convicted five years ago.

Drop Smith Act Case of Indiana C. P. Chairman

INDIANAPOLIS, Dec. 2. — The Smith Act case against Emanuel Blum, Indiana chairman of the Communist Party, has been dropped by decision of the government. The indictment, brought in 1956 under the membership clause of the Smith Act—making a crime to hold "knowing" membership in the Communist Party—was dismissed in Federal Court Friday. U. S. attorney John A. Tabbert said that since 1956 "the U. S. Supreme Court has rendered decisions which will bear directly" on the case. "We have painstakingly re-examined the available evidence in the light of these recent decisions. We have concluded that prosecution of the matter now is impracticable. Blum was out on \$5,000 bail.

Quill Hails Poll Decision

Michael J. Quill, president of the Transport Workers Union, AFL-CIO, and Matthew Guinan, president of local 100, yesterday praised David L. Cole, Aaron Horvitz and Dr. George W. Taylor for their sound decision "reaffirming TWU's position" for a one union—one contract for the workers of the Transit Authority. "The groups that disagreed," they said, "should now join with TWU in establishing at least sound labor-relations in the New York City Transit Authority, and unite with the vast majority to win TWU's 65-cents-an-hour wage package from the authority."

Egypt Names Trade Delegates to USSR

CAIRO, Dec. 2.—The Egyptian Cabinet last night approved formation of a 17-man delegation headed by industry minister Aziz Sidki to leave for Moscow in the next few days to discuss a Soviet loan to Egypt.

Free Winston, Green, Urge California 9

LOS ANGELES, Dec. 2.—The nine California defendants who were freed from a Smith Act re-trial promptly turned their attention today to the fight for freedom of the two last imprisoned Smith Act victims, Gilbert Green and Henry Winston. Their statement follows: "The Smith Act defendants are delighted at the dismissal of all charges against the remaining nine Californians arrested in 1951. "We knew we were innocent of any conspiracy to advocate the overthrow of the government by force and violence. All our lives have been dedicated to improving the welfare of our fellow-Americans. We will continue to advocate the need for a socialist democracy as representing the basic solution to the problems of our fellow-Americans. "In the interest of fair play and justice we would urge immediate amnesty for the two Smith Act defendants still imprisoned — Gil Green and Henry Winston. "There is no question that if the same 'new look' at the Bill of Rights had been taken in their case they would be free men today. We urge President Eisenhower exercise his executive power and grant immediate amnesty to Mr. Winston and Mr. Green."

New Zealand's Labor Premier Urges End of H-Bomb Tests

AUCKLAND, N. Z., Dec. 2.—Newly elected premier-designate Walter Nash told newsmen today he wanted an end to nuclear test explosions. He added, "We differ from Japan in that we want it by agreement among the nuclear powers." Nash is leader of the Labor Party which won Saturday's general election by capturing 41 seats in Parliament to 38 for the incumbent Nationalist Party. One seat was still undecided. Nash also said compulsory military training should be abolished but New Zealand should not abandon any of its overseas military commitments. New Zealand is a member of the Southeast Asia Treaty Organization (SEATO).

Ike Presides Over Cabinet

WASHINGTON, Dec. 2.—President Eisenhower presided over a cabinet meeting for an hour and 40 minutes today and then decided to lead off tomorrow's Congressional briefing at the White House. Underscoring what his physicians continued to call an "excellent recovery" from his mild stroke exactly a week ago, Eisenhower also spent 20 minutes earlier working in his office following his return from a weekend at his Gettysburg, Pa., farm. The cabinet meeting continued after Eisenhower left. But press secretary James C. Hagerty, said the President was present for "the main" discussion. This, he said, related to the new budget and important legislative program. Hagerty said the meeting also included a "preliminary discussion" of the annual State of the Union message which the President is due to deliver to Congress next month.

The U. S. Supreme Court had ordered new trials for the nine last June 17 and dismissed charges against five other party leaders. The government has been hesitant since about the re-trial and twice asked for delays while the matter was under consideration by the Department of Justice in Washington.

Today the word came from on high. Assistant U. S. Attorney Norman Neukom told Federal Judge Ben Harrison that he had his instruction "in the form of a motion from the Attorney General."

By an oversight the name of Bernadette Doyle, a sick defendant severed from the case, was left off, but Judge Harrison corrected the oversight. Waters announced earlier that the nine would not be re-tried because of unavailability of witnesses and "inability to satisfy evidentiary requirements."

His reference was to the June 17 Supreme Court decision in the California case in which the high tribunal had shattered the previous sleazy standards of evidence. In the height of the cold war period there had been a string of Smith Act convictions based on evidence of informers and long readings from Marxist classics.

The nine promptly issued a statement expressing their dedication to the need for "a socialist democracy" as the basic solution for America's problems, and for Presidential amnesty for Gilbert Green and Henry Winston, only Communist leaders still imprisoned under the Smith Act.

The nine freed today are Mrs. Dorothy Healey Connelly, Mrs. Loretta S. Stack, Mrs. Oleta O'Connor Yates, Frank Carlson, Ben Dobbs, Ernest O. Fox, Carlo Rude Lambert, Albert J. Lima and William Schneiderman.

The five defendants freed by Supreme Court action last June were Rose Chernin, Philip (Slim) Connelly, Al Richmond, Frank Spector and Henry Steinberg.