

University Ph.D. On Trial Denies Defense Act Counts

Levine Declares Communist Literature Not His — Interned Roomer Admits Ownership

Samuel Levine, Ph.D., suspended fellow in geophysics at the University of Toronto, went on trial to-day before Magistrate Prentice on three charges under the Defense of Canada Regulations. Through his counsel, A. Brewin, a plea of not guilty to all charges was entered.

Magistrate Prentice reserved judgment until Oct. 18, and Levine was released on bail of \$3,000.

All charges were that Levine knowingly did have in his possession a number of pamphlets entitled "A Political Letter on Our Present Task."

Det. Dan Mann was called by Walter Martin, special Crown prosecutor. The officer stated that in company with Detective Wm. French and Corp. Spanton, R.C.M.P., he went to the home of Levine on Wychwood avenue the evening of Sept. 18.

HAD SEARCH WARRANT

Detective Mann stated that he had a search warrant. "Mrs. Levine allowed us to enter. I met Levine upstairs, and in a front room two men named Erlich and Freed were sitting. They were arrested. Proceeding downstairs to the dining room I found a wrapped parcel containing 40 pamphlets entitled, 'A political letter on our present task.'"

"It started with 'dear friends' and was dated Sept. 13. I questioned Levine about the pamphlets and he replied 'he did not know anything about them.'"

Detective Mann said that he then proceeded to a desk. "Before searching it I asked Levine who owned the contents. He replied that everything in the desk belonged to him or the university."

"In the drawer I found a paper, dated Sept. 26, named the Toronto Clarion, the official organ for the Communist party. Levine said he did not know anything about it."

"I then found another document entitled The Toronto Clarion, dated Aug. 26, and a pamphlet entitled 'A political letter on our present task.'"

SIMILAR TO OTHERS.

Det. Mann further stated that the pamphlet was similar to those found in a parcel previously.

"Another pamphlet in the drawer was entitled 'One Year of War, What Next?' I also found a book, 'Communist International.'"

"Another pamphlet found was entitled 'The Monthly Review,' a Communist organ."

"I found another typewritten pamphlet of which the last nine pages were identical with the pamphlets found in the parcel."

As Det. Mann related finding the different pamphlets Levine shook his head several times.

"Several other pamphlets were found," said Det. Mann. "When asked about them Levine replied that 'he did not know anything about any of them.'"

SEIZED PAMPHLETS

Witness said that they seized all the pamphlets and a typewriter.

"The next day I took the pamphlets to the Attorney-General's Department and later Levine was arrested," he said.

To Mr. Brewin, Det. Mann said that Erlich declared he owned the typewriter and pamphlets.

Corp. Herbert Spanton and Detective William French gave similar evidence.

Thomas Walsh, typewriter expert, told Crown Counsel Martin that he examined the pamphlets and the typewriter seized in the Levine home.

"I am satisfied that it was used to typewrite the pamphlets," he swore.

RENTED ROOMS

Mrs. Levine, wife of the accused, first defense witness, told of renting the upstairs room to the two men who were in it the night of the search.

"One came and said his name was Sturm. He said he had been to Spain and wanted to write a book. The other man came later. He gave the name of Summers," she said.

Witness stated that her husband did not know the two men and that he was not at home when they came.

"My husband was not in very much. I allowed them to use the dining room to work, where the typewriter and pamphlets were found," she testified.

NEVER SAW PARCEL

Mrs. Levine stated that she never saw the parcel containing the pamphlets until the police came in.

"Is your husband interested in politics or Communism?" questioned counsel.

"No—he is too busy with his work."

"Does he belong to any organization?"

"I have no knowledge of him belonging to any," witness replied.

Questioned by Crown Counsel Martin, Mrs. Levine said that Sturm, whom she later learned was Erlich, rented the room about Sept. 4.

She told Mr. Martin that she also learned that Summers' correct name was Freed.

"How long after they came did they get permission to work downstairs?"—"Just a few days."

She said she gave permission to Sturm and saw him working on the typewriter. "I did not know what he was writing and I never read any of it."

"Who owns the contents of the desk?" asked Mr. Martin.

"As far as I know they belong to my husband."

The Crown showed Mrs. Levine

a copy of the Clarion and the pamphlets found in the desk.

"I never saw them before," she stated.

DENIES BEING COMMUNIST

Levine followed his wife in the witness box.

"Were you, or are you, a member of the Communist party?" asked defense counsel.

"No, sir, and I have no connections with it."

As to renting the room, he said that his wife looked after that. "I did not know about them, and was introduced to them as Sturm and Summers."

He admitted knowing Sturm was working downstairs. "My wife told me. I did not see him working, and I do not know what was being written."

"Do you know anything about the pamphlets found?"—"I do not."

"Regarding your desk. The police said that you told them that the contents belonged to you?"—"I did not say that. I said that some material on top was mine."

FOUND PAPER EARLIER

Levine, when shown a copy of the Clarion, which was found in the desk, admitted having found it on the bureau earlier in the day of the police visit.

"I looked through it and discovered that it was Communist propaganda. I was surprised. I intended to speak to the two men about it, but I never got a chance," Levine asserted.

"Did you know they were Communists and that their names are Erlich and Freed?"—"No."

"Did you ever see the two men before they came to your house?" asked Mr. Martin—"No, I did not."

"Did you know the Clarion was banned?"—"I am not acquainted with that, although I knew Communist writing was banned."

Levine said that after reading the Clarion he put it in his desk.

DIDN'T SEE PAMPHLETS

"Did you see any pamphlets in your desk?"—"I did not."

"Were there any pamphlets in your desk?"—"Not to my knowledge."

"Why did you not tell the police you had found the Clarion in the afternoon?"—"Things happened rapidly and I did not have time. I was upset."

"You say you intended to speak to the two men about the Clarion. They were in your house when the police arrived, why did you not ask them?"—"I did not have much time."

Witness said he was surprised at the finding of the pamphlets in the house and could not explain how they got in his desk drawer.

"What about the parcel containing the pamphlets found on the bureau?" asked Mr. Martin.

"I never saw it before and I did not know what it contained."