

# COURT RESERVES JUDGMENT ON CHARGE OF CONSPIRACY

## Igor Gouzenko, Former Soviet Cipher Clerk, Witness in Espionage Case

Ottawa, April 11.—(CP)—Magistrate Glenn Strike today said he would commit H. S. Gerson, 43, of Montreal, former Munitions Department employee, for trial on espionage charges under the Official Secrets Act.

### Ruling by Court

He adjourned the case until 2.30 p.m., E.S.T., Tuesday, when formal committal will be made. It is possible an earlier date may be arranged.

The magistrate said he would reserve decision on a conspiracy charge.

### Ottawa, April 11.—(CP)—

A sketch of Igor Gouzenko by Edward Mazerall, one of the accused in Canada's espionage cases, was seized in the court of Magistrate Glenn Strike today.

Lee Kelley, special crown prosecutor, said a constable in the court had seen Mazerall sketching Gouzenko while he testified in the case of H. S. Gerson.

A. W. Beament, defence counsel, argued there was no evidence of conspiracy in the Gerson case. Conspiracy was the getting together of two minds in advance to commit an offence.

Mr. Strike said the crown was arguing that documents found at the Russian embassy must have got there through manipulation of some kind. He would consider the matter.

The crown rested its case against Gerson after Igor Gouzenko, former Soviet cipher clerk, had testified he had knowingly broken his oath to Russia to take from the Soviet embassy documents which have become the basis of the prosecution of 14 Canadians who face espionage charges.

### Long Testimony

Speaking slowly in answer to a barrage of defence counsel questions, he was on the stand before Magistrate Glenn Strike for nearly an hour.

The only other crown witness was Roger Malley, director of the ammunition production branch of the Munitions Department, under whom Gerson once worked.

The defence called no witnesses. Under cross-examination by A. W. Beament, defence counsel, Gouzenko told the court he knew there were agents who "would kill me" and added if there was no police protection "I wouldn't be safe."

Gerson, from 1941 to 1944, was with a crown company—Allied War Supplies Ltd.—directed by the Munitions Department. Its products were chemicals and explosives.

A mining engineer, he went to the department itself for the next year and was chief of the records division of its ammunition production branch. His last job was with War Assets Corporation.

### Other Cases Adjourned

Before Gerson's case was called five other cases of espionage were adjourned to April 16. They concerned Prof. Israel Halperin, Eric Adams, Dr. David Shugar, J. S. Benning and Squadron-Ldr. Fred Poland.

Magistrate Strike said that starting next Tuesday he might start holding night sessions to clear up the espionage cases. J. R. Cartwright, crown counsel, said this would be satisfactory.

Gouzenko's first evidence in Gerson's case repeated that given at the preliminary hearing in Montreal of Fred Rose, Labour-Progressive member of Parliament for Montreal Cartier, as to his birthplace and his coming to Canada from Russia in 1943.

Gouzenko said he had "severed my connections" with the Russian embassy, September 5, 1945. Gouzenko identified a document as one he had seen in the office of the military attache there.

The document had been kept in a steel safe in this room which was in charge of Col. N. Zabotin, former military attache and alleged head of a Russian network of agents. It had been among mail sealed for Moscow, but Gouzenko had removed it when he left.

Details of the document were not disclosed immediately.

During cross-examination Defence Counsel A. W. Beament started an attempt to discredit the evidence of Gouzenko.

### Took Oath of Secrecy

Mr. Beament obtained an affirmative reply to a question as to whether or not Gouzenko took an oath of loyalty and secrecy in his capacity as a cipher clerk at the Russian embassy.

Mr. Beament asked: "You took an oath of loyalty and secrecy in your position?"

Gouzenko: "Yes."

Mr. Beament: "Then you are in the same position as the accused?"

"It is not up to me to judge," replied Gouzenko.

Mr. Beament: "Why did you break your oaths?"

"I broke the oaths (to Russia) . . . because I was certain they bound me to wrong ideas which absolutely can't be tolerated with ideas of democracy. . ."

"In other words because you changed your political views?"

"Yes."

Questioned about a document filed as an exhibit which he said had come from the Russian embassy, the Russian said it was the one sheet he had taken from a parcel of mail sealed for Moscow when he left the embassy the night of September 5, 1945.

He had, however, taken other documents, including files, telegrams, memos.

He had taken the majority of the last minute" that evening. But for a month previous he had been "selecting" documents which would not be missed.

### Temporary Adjournment

The Gerson hearing was adjourned temporarily so that Gouzenko might identify some of the documents connected with the case of another accused, Durnford Smith, of Hull, Que., a National Research Council radio expert, after which he was allowed to leave the court room accompanied by his bodyguards.

Mr. Beaumont informed the court that it was his intention to object to the admissibility of evidence taken before the royal commission investigating the espionage activities. He would argue that the evidence was improperly obtained and he had subpoenaed witnesses

whom he hoped would prove the evidence was improperly obtained.

### Smith Case

Preliminary hearing of Durnford Smith, Hull, Que., former National Research Council engineer, on espionage charges began today before Magistrate Glenn Strike.

Igor Gouzenko, former cipher clerk at the Russian embassy, identified two documents related to the Smith case in the midst of testimony against another accused, H. S. Gerson.

The case was adjourned until Tuesday at 2.30 p.m., when the crown will call a witness to identify handwriting on a secret document submitted as an exhibit.

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