

Rose to Go On Trial; Seeks New Bail Today

Montreal, March 28 (CP).—Criminal Court phase of the espionage case against Fred Rose ended today with the Montreal member of Parliament committed for trial and detained in jail upon withdrawal of \$10,000 bail.

Judge René Theberge, who presided over the four-day preliminary hearing of the Labor-Progressive Member for Montreal-Cartier, ordered Rose to trial when he appeared briefly for voluntary statement this morning.

Tonight, the 38-year-old native of Lublin, Poland, is in the Montreal jail, pending outcome of application for bail his defense counsel will make in Court of King's Bench tomorrow. If it is refused, application will be made in Superior Court.

Committal for trial came as no surprise, and, while cancellation of bail was a startling development to the public, Judge Theberge made clear that legal procedure gave him no alternative in this case.

Judge's Explanation

The judge made this explanation: "When any person appears before any justice charged with an indictable offense, punishable by imprisonment for more than five years, other than treason, or an offense punishable with death, or an offense under any of the sections 76 to 86, inclusive, and the evidence is, in the opinion of such justice, not only sufficient to put the accused to trial but does furnish such strong presumption of guilt as to warrant his committal for trial, it is his duty and he has no jurisdiction other than to commit the accused to prison, there to be kept until delivered according to law. I therefore commit to prison Fred Rose, whose bail is hereby cancelled, to be kept until delivered according to law."

Under normal procedure, Rose would appear next before a jury in King's Bench Assizes during the term opening May 3, but an earlier trial is possible.

Defense may apply for a speedy trial, sending Rose before a judge only, or the Crown may issue a preferred indictment, through the Quebec Attorney-General, Premier Maurice Duplessis, in which event Rose would be placed on trial as soon as possible before a King's Bench jury. Present King's Bench session was not entirely completed, and the court could sit before the May Assizes.

Change in Indictment

Two changes were made at voluntary statement in the indictment under which Rose was originally charged when arraigned March 15.

Dates between which he is alleged to have communicated information to the Soviet Union and conspired to communicate that information were altered from Jan. 1, 1943, and Dec. 31, 1944, to June 3, 1939, and Sept. 6, 1945.

June 3, 1939, is the date the Official Secrets Act, under which Rose is charged, came into effect, and Sept. 6, 1945, follows by a day the departure of Igor Gouzenko from the Russian Embassy in Ottawa with documents pertaining to a Soviet spy ring in Canada.

Gouzenko, former cipher clerk at the Embassy, was key witness at the four-day Rose hearing and the documents were placed on the court record as evidence by Special Crown Prosecutor F. Philippe Brais, K.C.

The second change added 21 names to a clause in the indictment charging Rose with conspiring with Dr. Raymond Boyer, McGill University professor and National Research Council employee, and with "other persons presently unknown."

At preliminary hearing Cohen objected to the anonymity of the "other persons" and the names, all

mentioned during the hearing, were added at his request.

The Names Now Added

The additions were:

Col. Zabotin, alias Grant; Major Sokolov, alias Davie; Major Rogov, alias Brent and Jan; Lt.-Col. Motinov, alias Lamont; Lieut. Angelov, alias Baxter; Capt. Gourshov, alias Chester; Koudriavtzev, alias Leon; Lieut. Koulakov, alias Butler; Sam Carr, alias Frank or Sam; Dr. Allen Nunn May, alias Alex.; K. Willsher, alias Elli; Gordon Lunan, alias Back; Durnford Smith, alias Bedeau; Ned Mazerall, alias Bagley; Isidor (Israel) Halperin, alias Bacon; H. S. Gerson, alias Gray; Lieut. D. Shugar, alias Prometheus; Eric Adams, alias Ernst; James Cotland Benning, alias Foster; Arthur Steinberg, alias Berger; Sqdn. Ldr. Mat Nightingale, alias Leader.

Several of the Russians were not identified during the preliminary hearing other than by name, but Col. Zabotin was described as the former military attaché at the Soviet Embassy in Ottawa; Major Sokolov as an engineer of the "Soviet Commercial Representative in Canada," Major Rogov and Lieut. Angelov as Soviet Embassy officials.

Sam Carr, described by Igor Gouzenko as "a recruiting agent" for the espionage ring, is national organizer of the Labor-Progressive Party. No charge against him has been announced and his present whereabouts is unknown.

Dr. May is being tried in London, England, under the Official Secrets Act.

Similarly charged and scheduled for preliminary hearing at Ottawa were Kathleen Willsher, former stenographer in the United Kingdom High Commissioner's office, and Edward Wilfrid (Ned) Mazerall, who worked at Ottawa for the National Research Council division which developed radar.

Some Others Charged

Three others charged with espionage, whose preliminary hearings at Ottawa have been postponed one week, were: Sqdn. Ldr. Mat Nightingale, who was employed by the Bell Telephone Company of Canada subsequent to demobilization from the RCAF; Lieut. D. Shugar, a native of Poland, a former employee of Research Enterprises, Ltd.; and H. S. Gerson, former employee of War Assets Corporation.

Durnford Smith (as Bedeau) was described in the hearing as an employee of The National Research Council and a former member of the Research Department of the Bell Telephone Company of Canada, at Montreal. No charge has been announced against him, and it is not known officially that he is detained.

Halperin, former mathematics professor at Queen's University, Kingston, Ont., is detained at the Royal Canadian Mounted Police Barracks at Rockcliffe, near Ottawa. No charge has been announced.

GLOBE AND MAIL

MAR 29 1946

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WAR
EUROPEAN
1939
WEAPONS
BOMB
ATOMIC

Handwritten notes and signatures:
Rise
H. S. Gerson
D. Shugar
K. Willsher
Gordon Lunan
Ned Mazerall
Isidor Halperin
Eric Adams
James Cotland Benning
Arthur Steinberg
Mat Nightingale
Col. Zabotin
Major Sokolov
Major Rogov
Lt.-Col. Motinov
Lieut. Angelov
Capt. Gourshov
Chester
Koudriavtzev
Leon
Lieut. Koulakov
Butler
Sam Carr
Dr. Allen Nunn May
Alex.
K. Willsher
Elli
Bedeau
Bagley
Bacon
Gray
Prometheus
Ernst
Foster
Berger
Leader