

# GUILT RULING TAKES GIMP OUT OF ROSE

## Defense To Appeal Conviction Of M.P. And Then Ask Bail — Sentence On Thursday

By CLEM SHIELDS  
Telegram Staff Reporter

Montreal, June 17—A badly frightened little man, Polish-born Fred Rose, MP, stood pale and twitching in the dock of the court here Saturday and heard the jury foreman return a verdict against him of "guilty" of having conspired to provide Russia with information prejudicial to the safety of Canada.

Mr. Justice Lazure immediately adjourned court until Tuesday when he will sentence four spy suspects for contempt of court for refusing to testify at the trial. His Lordship indicated it might not be until Thursday that he will be ready to sentence the MP for Montreal-Cartier. The maximum penalty for conspiracy is seven years.

Defense counsel Joseph Cohen announced that an appeal will be entered against Rose's conviction. He said the appeal will be based on law, facts and mixed facts and law. Once appeal is filed, he added, application will be made to a justice of the Court of Appeals in chambers for bail for Rose.

### TAKEN TO JAIL

It took the jury of 12 men only 36 minutes at the end of a 16-day trial to bring in their unanimous verdict. Early Sunday morning Rose was removed from the courthouse to city jail, handcuffed to a policeman.

He walked with head bent low, presenting a strikingly changed picture of the man who for almost the entire length of the trial—three weeks—had smirked in the dock as a Crown counsel referred to him as "a rat" and "a Quisling."

It was a tense and hushed court as the jurymen filed back into their box at nearly midnight. Police officers stood at all strategic points on the alert for any disturbances from friends of the accused, a large number of whom appeared suddenly.

"We find the accused at the bar guilty on all counts as charged," the jury foreman told the court. There was an audible gasp from the spectators and the whimper of a woman.

### KISSES WIFE

"You have done your work well," commented His Lordship. A few seconds later the woman who had whimpered ran to the pale and shaken prisoner, who leaned down and kissed her. It was Mrs. Fred Rose.

Phillipe Brais, KC, special Crown prosecutor, in an impassioned four-hour address told the jury that if they acquitted Rose "he and his ilk will shout hosannas. Remember Britain and her fight at the time the accused was spying for his master in Moscow."

"Remember Dunkirk and the Battle of Britain and the little handful of boys who saved Britain, and Canada, too. Civilization almost went," said Mr. Brais.

"Remember France and those who undermined her," he continued. "This man would have had us as houseboys to the Japs. You have your duty to do to the children who will follow us. You have a great responsibility and I ask you to find the accused guilty so that you can go out into society knowing you have done that duty."

During his brilliant address Mr. Brais said Rose had direct contact with the Soviet Embassy; that he had taken secret information from Dr. Raymond Boyer (awaiting trial on conspiracy counts) and given it to the Embassy.

"Boyer did not want to work with Rose or the Russians," asserted the counsel. "He was a man of means. He was seduced by that bright laddie at the bar; that cocky, little man . . . the same as Mrs. Emma Woikin and Miss Kathleen Willsher, both now in prison, were seduced."

### SAYS SET-UP CLEAR

"Rose got the information and went with it to the master spy operating out of Canada, Col. Sokolov at the Russian Embassy," said Mr. Brais, who added that the "set-up" was quite clear . . . Rose to Sokolov, Sokolov to Zabolotin (Russian military attache) and Zabolotin to Moscow.

He demanded to know why among the documents produced by the Crown was one promising Moscow "action through Debouz," cover name for Rose, if Rose was not a member of the spy organization.

"That same Sam Carr-Fred Rose-Captain Gordon Lunan organization," Brais told the closely listening jury. "But Carr, like the mysterious Frieda, departed for parts unknown because of the roles they had played as spies against Canada."

"Carr is a man who engaged in one hundred missions and reported successfully to his co-conspirators. A man is built crooked to work crooked and I would like to tell the whole world the details of the dirty system which has corrupted good Canadians."

His Lordship's summing up took 45 minutes. In his interpretation of the legal aspects of the evidence, he told the jury he was of the opinion that existence of a spy ring in Canada had been proved by the Crown, but it was for them to decide on that point . . . they would have to decide on facts only.

"We are not here to prove or disapprove any political ideology," stated his Lordship. All questions of politics must be removed from your minds. The accused is entitled to a fair trial and your decision must be on evidence only."

## TORONTO TELEGRAM

### REFERS TO RDX

He said that a great deal had been aired during the trial concerning the part played in the war by Russia and whether she was entitled to information on the explosive RDX.

"If Mr. C. D. Howe (Minister of Munitions and Supply at the time) had been on the witness stand he might have told us why the Canadian Government refused to give to Russia the formula on RDX. What do we know about the co-operation between the two countries? Perhaps Russia refused to give Canada something. But it is not evidence."

"There is no loyalty over the loyalty to Canada," he said.

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