

MAY 31 1946

# Adjourn Rose Trial For Quebec Holiday

By ALAN RANDAL

Montreal, May 30 (CP). — The conspiracy trial of Fred Rose resumes tomorrow after an Ascension Day recess with every prospect that it will be at least the week's end before Igor Gouzenko, key Crown witness and onetime secret cipher clerk in the Russian Embassy, has completed his testimony.

The Gouzenko story, the start of which he gave the jury yesterday under the direction of Special Crown Prosecutor Philippe Blais, K.C., is the Crown's main case against the Labor - Progressive Member of Parliament for Montreal-Cartier, who is charged with having conspired to furnish information to Soviet Russia.

The 27-year-old Russian's testimony was interrupted yesterday while the defense fought a bitter but losing fight to have it declared inadmissible in Court of King's Bench, claiming that the cipher clerk, as a member of an Embassy staff, was subject to diplomatic immunity and for that reason anything he learned in his job, or any documents he stole from Embassy files to back his story of Russian espionage in Canada, could "not be forced into court."

Mr. Justice Wilfrid Lazure, presiding, ruled against the defense

contention, and Mr. Brais proceeded with examination of the former Embassy employee, who started the espionage investigation in Ottawa by his revelations to the Government.

There was nothing—so far—new in his story. He had previously given it to the Royal Commission or in his testimony at the preliminary hearing of Mr. Rose last March when the accused was released on \$25,000 bail. But the story, sensational in itself, gripped the jurors, who listened intently as the fair-haired young man told how espionage agents were sent abroad from Russia under the guise of being diplomatic officials.

He told how frightened he had been last fall when, having left the Embassy, he decided to tell his story to the Government and how much difficulty he had in getting a hearing. He feared Embassy vengeance, he said.

The court battle over the admissibility of Gouzenko's evidence lasted some hours and at times became heated as chief defense counsel went back to British statutes of the time of Queen Anne — one act specifically dated 1708—to bolster his contention that an Ambassador "and all his goods and chattels" were subject to diplomatic immunity, and that the court, tak-

ing cognizance of the status of diplomatic immunity under public law, should rule Gouzenko's evidence out of court.

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