

# New Charges To Be Laid In Spy Case

By KENNETH C. CRAGG

Ottawa, March 11 (Staff). — As mere onlookers in a drama in which they held central roles, two men and two women already accused in two charges involving espionage, today heard Special Prosecutor Lee Kelley say that by Wednesday a third count would be placed against them under the Official Secrets' Act.

The announcement was inserted without previous notice into police court proceedings immediately after counsel for Enma Woikin, 25-year-old widow and former code clerk in the Department of External Affairs, asked the court to delete the plea of guilty made by the woman when she was arraigned a week ago. Assent was granted on this.

The next report of the investigating commission is expected Wednesday or Thursday. It is understood here that an additional three, and perhaps a fourth, are to be named as implicated in the case when this report is revealed.

On a box-score basis, the position of the four charged with conspiracy and of disclosing information, at adjournment today until Wednesday of this week, was:

Emma Woikin; Neither plea nor election on how she wanted to be tried; Kathleen Mary Willshire, employee of the United Kingdom in the High Commissioner's office, neither plea nor election; Edward W. Maberall, not guilty and elected to be tried by jury; Capt. Gordon Lunan, not guilty and no election.

Maximum jail penalty in each of the charges already laid and on the one to be placed later is seven years.

## Cannot Instruct Counsel

A second new factor in the case was injected by H. L. Cartwright who appeared today for Capt. Lunan, when he asked of the court direction as how to proceed in that his client was "under oath not to reveal certain things."

He submitted that Lunan, while under examination by the Royal Commission, which is inquiring into the alleged spy ring, and before he was charged, was sworn not to reveal what was said before that Commission.

"You are concerned with instructions from your client as to yourself?" Mr. Cartwright was asked. "That is the principle," he answered, and demanded of Mr. Kelley a direct ruling.

Magistrate Strike advised him to communicate with Mr. Kelley and Byron Howard, associate prosecutor.

After adjournment, Mr. Cartwright explained that Lunan at least, believed he has been sworn to secrecy and, therefore, is restricted in what he can tell counsel for his defense.

## May Win Release

It was explained officially that if Lunan, as Mr. Cartwright stated, believed himself restricted in what he could tell his counsel it was owing to failure on someone's part to inform him of the proceedings. The Commission had anticipated the development of just this situation and had arranged that witnesses, later accused, should make application for conditional release from their oath of secrecy in order that they might talk freely with their lawyers. It was stated that there was no intention on the part of the Commission to tie the hands of either the accused or the lawyers in preparing their defense.

The administration of an oath of secrecy to witnesses was considered necessary to provide for the

possibility of release from detention without any charge being laid.

Proceedings, as drab and commonplace as they were when the four emerged in the open from the closed and secret spy inquiry at Rockcliffe Mounted Police barracks last Monday, were preceded by the usual morning routine of a police court after a week-end.

The two women sat at the far end of a scarred wooden bench reserved for prisoners. Every time the back door of the court swung open to admit or let out prisoners, it shielded the pair from sight. Further back in the corner and almost blocked off by Mrs. Woikin, a small woman, was a girl in middle teens. The court did not disclose the charge against her. There was a whispered conversation and the girl was taken away.

## Men Were Spruce

The bench on the other side was crowded with police court prisoners, one charged with window peeping, another with false pretenses, another with a petty theft. And near the end sat Lunan and Mazerall, both as spruce, as neat as the plainclothesmen who were near them.

Mazerall needed a new or freshly pressed tie. Mrs. Woikin, unlike last Monday, wore no make-up. She was bare-headed and all during the parade of early prisoners maintained quick and tense interest in the proceedings.

Beside her, Miss Willshire sat in almost stolidity, only a movement of eyelashes indicated even that she was awake.

The hearing involving the accused opened at 10:27 when Mazerall and Lunan were directed into the prisoners' box. The magistrate called a brief recess and the wives of the two accused men crowded up to the box. They kissed, held hands, talked until the court resumed.

Emma Woikin was called first and this time she had counsel, J. P. Erichsen-Brown who has been retained by the woman's parents at Blaine Lake, Sask. He submitted that, from the transcript of the evidence taken last Monday, "she did not seem to have complete comprehension of what went on."

"Do you wish to have her elect over again?" asked Magistrate Strike.

He said he did, and the magistrate added, "Oh, there's no objection to that." He said there was no objection to having the plea of guilty on both charges withdrawn.

## Announces New Charges

It was then that Prosecutor Kelley said: "There will be further charges laid. We have every hope that the further charges will be laid not later than tomorrow." And then he advised: "It may shorten the proceedings, counsel could elect on Wednesday and the question of bail could come up."

Miss Willshire was called and remanded. "There will be other charges against her, too," Mr. Kelley advised.

Then Roydon A. Hughes, for Mazerall, said he wanted to elect and plead at once—he could see no reason why he shouldn't. Mazerall asked for trial by jury.

Mr. Hughes then asked if the prosecution was going to ask for further adjournment. He reminded the court that his client had been detained since Feb. 15.

"My understanding of this is that, if any further charges are laid, they will be of a less serious nature or alternative counts. I would like to make an application for bail. They may keep on adjourning for weeks, or a month," he said.

Mr. Kelley did not agree. He cited the outline of the further charge, and added: "I would say the latter is more serious than the first."

In the end, counsel did not press for bail, and remands until Wednesday were completed.

The further charge, being laid according to Mr. Kelley under Chapter 4 of the Official Secrets Act, applies to persons having secret official code words, sketches, documents or other information "to which he has had access owing to his position as a person who holds or has held office under His Majesty . . . who uses the code words, information (etc.) for the

benefit of any foreign power or in any other manner prejudicial to the safety of the interests of the State."

## Suggests "Denunciation"

Montreal, March 11 (CP). — The Herald said in an Ottawa despatch today that "reports are current this morning that a Montreal member of Parliament will be denounced on the floor of the House of Commons for betrayal to Russia of secret proceedings of the House of Commons."

The newspaper added that "the denunciation—which is to be made by Prime Minister Mackenzie King himself—will be followed by a demand for the member's resignation."

The Herald said the evidence against the Montreal member "does not warrant his arrest, (but) . . . he will be denounced on the grounds that he violated secrecy."

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