

Loses Her Fight:

T-H 10/21/42

Mrs. Dilling Ordered to D. C. For Trial in Sedition Case

CHICAGO, Oct. 20 (C.T.P.S.).[†] The United States Circuit Court of Appeals today dismissed the appeal of Mrs. Elizabeth Dilling from a District Court order that she be removed to Washington, D. C., to stand trial with 27 other persons indicted on charges of conspiracy to undermine the morale of America's armed forces.

No date has been set for the trial of the 28 alleged seditionists. Some of them have not been ordered removed while others are fugitives. While it is uncertain when the trial will start, it probably will not be until December or later, according to the Department of Justice.

J. Albert Woll, United States district attorney, said the author of "The Red Network" would be taken to the Nation's Capital "at the earliest possible time." Her bail was continued in the amount of \$200 previously fixed by Judge William H. Holly before whom she appeared on a habeas corpus motion to compel the Government to try her in Chicago.

Judge Otto Kerner, who wrote the Circuit Court of Appeals decision, said:

"Congress has by language so plain as to admit of no doubt, expressly deprived this court of jurisdiction. The appeal must be dismissed."